

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE EASTERN DISTRICT OF TEXAS

3 MARSHALL DIVISION

4 OPTIS WIRELESS TECHNOLOGY, ) (  
LLC, PANOPTIS PATENT ) (  
5 MANAGEMENT, LLC, OPTIS ) (  
CELLULAR TECHNOLOGY, LLC, ) (  
6 PLAINTIFFS ) ( CIVIL CASE NO.  
2:17-CV-123-JRG-RSP  
7 VS. ) ( MARSHALL, TEXAS  
) (  
8 HUAWEI TECHNOLOGIES CO. LTD., ) (  
HUAWEI DEVICE USA, INC., ) (  
9 HUAWEI DEVICE CO. LTD., ) ( AUGUST 20, 2018  
DEFENDANTS ) ( 9:16 A.M.

10  
11 TRANSCRIPT OF JURY TRIAL

12 BEFORE THE HONORABLE CHIEF JUDGE RODNEY GILSTRAP

13 UNITED STATES DISTRICT JUDGE

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24  
25 (Proceedings recorded by mechanical stenography, transcript  
produced on a CAT system.)

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5 P R O C E E D I N G S

6 (Jury panel in.)

7 COURT SECURITY OFFICER: All rise.

8 THE COURT: Thank you. Be seated, please.

9 Good morning, ladies and gentlemen. Thank you for  
10 being here on time.

11 My name is Rodney Gilstrap. And I am the resident  
12 United States District Judge here in the Marshall Division of  
13 the Eastern District of Texas.

14 I have lived in Marshall since 1981. I practiced law  
15 here and in the immediate area for 30 years before being  
16 appointed to the federal bench. I've been here in this  
17 position since 2011. And I was born in Florida, but as they  
18 say, I got to Texas as quick as I could.

19 I came to Texas to go to college and then stayed and  
20 went to law school at Baylor University in Waco.

21 I am married, and I have two grown children. And my  
22 wife owns and operates a retail floral business here in  
23 Marshall.

24 Now, I tell you all these things because in a few  
25 minutes, I'm about to get the same information about each of

1 you that I've just given you about me, and I think you're  
2 entitled to know as much about me as I'm about to find out  
3 regarding each of you all.

4 We're about to engage in the selection of a jury in a  
5 civil case involving allegations of patent infringement.  
6 However, before I go any further, I'd like to briefly review  
7 with you how we came to have our American jury trial system for  
8 civil cases such as this one.

9 If you go back in ancient history and you look at the  
10 first five books of the Old Testament, the Pentateuch, you'll  
11 find that the Jewish nation empaneled juries for purposes of  
12 establishing property ownership and property value. The  
13 ancient Greeks began using a jury system about 1500 BC.

14 The Romans, as they did many things, borrowed and  
15 copied the jury system from the ancient Greeks. And it was the  
16 ancient Romans that brought the jury system to what is today  
17 the United Kingdom, or England, in the fourth century when they  
18 crossed the English channel and conquered that island.

19 The jury system flourished in England for 800 years,  
20 and then in the 12 century AD, a tyrannical king came to the  
21 throne of Great Britain known as King John, and King John set  
22 about to do away with the jury trial system among many other  
23 things while he was on the throne. This led to a crisis in  
24 England, and it went nearly to the verge of civil war between  
25 King John and his barons.

1           That civil war was avoided by a document -- an  
2 agreement between the king and his barons that was signed at a  
3 place called Runnymede, and that document setting forth their  
4 agreement, which restored and protected the right to trial by  
5 jury in England, is known as the Magna Carta.

6           The Magna Carta is one of the most important documents  
7 in all democracy and was a precursor to our constitution. In  
8 fact, ladies and gentlemen, 28 of the 50 states in the United  
9 States have adopted verbatim from the Magna Carta the language  
10 that guarantees the right to trial by jury.

11           So you can see that by the time our founding fathers  
12 came to America as British colonists, the concept of trial by  
13 jury was deeply engrained in them. And the right to trial by  
14 jury flourished here in British America for over a hundred  
15 years until another tyrannical king came to the throne of Great  
16 Britain. This time it was King George, III. And King George,  
17 III set about imposing restrictions and limitations on his  
18 British colonists here in America, one of which was to restrict  
19 and curtail the right to trial by jury. That led to, as you  
20 all know, eventually our American Revolution.

21           And when Thomas Jefferson sat down to write the  
22 Declaration of Independence, which if you'll read that  
23 document, sets forth the specific reasons why America believed  
24 it should separate itself from Great Britain and form an  
25 independent country, he gave the various reasons and complaints

1 against King George, III. And one of those specific complaints  
2 set out in the Declaration of Independence is the king's  
3 attempts to restrict and curtail the right to trial by jury.

4 So you can see that that right was coveted and valued  
5 by those British colonists who became Americans and American  
6 citizens after our revolution was complete.

7 As a matter of fact, the constitution of the United  
8 States was passed and ratified by the several states on the  
9 clear understanding that as soon as it was passed, 10 important  
10 amendments would be added to it, and those ten important  
11 amendments were added promptly after the constitution was  
12 ratified. We know those ten amendments to be the Bill of  
13 Rights.

14 And among those ten amendments is the Seventh  
15 Amendment, which guarantees constitutionally the right of every  
16 American citizen to have a right to a trial by jury in a civil  
17 case such as this one. Not only in a criminal case, but in a  
18 civil case.

19 And the Seventh Amendment, along with the other nine  
20 that comprise the Bill of Rights, were ratified in 1791. So  
21 since 1791, every American citizen has had a constitutional  
22 right to settle their disputes in civil matters through a trial  
23 by jury.

24 So I -- I always tell citizens who appear for jury  
25 duty, like you have this morning, that in my opinion, jury duty

1 is the second highest form of public service that any American  
2 can perform, and in my opinion, the highest form of public  
3 service any American can perform is to serve in the armed  
4 forces of our nation.

5 By being here today, by presenting yourself for jury  
6 duty in this case, you are rendering very real, tangible, and  
7 important public service. And you are, in a very real way,  
8 preserving, protecting, and defending the right to trial by  
9 jury.

10 Now, ladies and gentlemen, the lawyers in this case  
11 are going to address the members of the jury panel. In a  
12 little while they're going to ask various questions of you.  
13 And I want you to understand that they are not attempting to  
14 inquire into your private affairs unduly. In other words,  
15 they're not trying to pry into your personal business or be  
16 nosy. They are entitled to ask the questions that they're  
17 asking for the purpose of securing a fair and an impartial jury  
18 to hear the evidence in this case.

19 I don't know if it will happen today, it very rarely  
20 does, but it is possible, so I want to mention it to you. If  
21 you should be asked a question that you think in your own  
22 personal opinion is so personal and so private that you are not  
23 comfortable answering it in front of everyone else on the  
24 panel, then you have the option to simply say, I'd like to talk  
25 about that with Judge Gilstrap. And if that's your response,

1 I'll make and provide an opportunity for you to answer that  
2 question outside of the presence of everyone else on the panel.

3 I will tell you, ladies and gentlemen, that doesn't  
4 come up very often. But it has happened, and I want you to  
5 know that you do have that option if that should occur today.  
6 Again, it's not likely, but it is possible.

7 The important thing for you all to remember as we go  
8 forward with the jury selection process, and as you are asked  
9 questions by the lawyers in this case, is that you should give  
10 full, complete, and truthful answers. There are no wrong  
11 answers to the questions as long as your responses are full,  
12 complete, and truthful.

13 Now, ladies and gentlemen, I anticipate that the case  
14 that we're here for today will start later today. We'll select  
15 the jury, and then we'll begin the evidence later today. And I  
16 expect that the trial of the case will go through the end of  
17 this week, and it is possible that it could extend over into  
18 Monday of next week. Don't know that that will happen, but it  
19 is possible.

20 So at this point, I need to ask of the entire panel if  
21 there are any of you on the panel who have prepaid,  
22 nonrefundable airline tickets someplace, if you have a surgical  
23 procedure scheduled, if you have an immediate member of your  
24 family with those kind of circumstances, or if there is some  
25 very important reason why you could not be here all of this



1 week and perhaps into Monday of next week, then I need to know  
2 about that.

3 I'm not -- I'm not inquiring about insignificant or  
4 trivial things, but if there is an important and a pressing  
5 reason why if selected you couldn't be here to serve throughout  
6 the trial, then I need to know about that. And if that applies  
7 to any of you, if you'd raise your hands, and let me make a  
8 note of it at this time.

9 Okay. No. 3, No. 7, No. 9.

10 Anybody else in the jury box?

11 Anybody outside of the jury box?

12 I don't see any other hands.

13 3, 7, and 9.

14 Okay. Thank you very much.

15 At this time, I'm going to call for announcements in  
16 the case of PanOptis et al. Versus Huawei Device U.S., Inc. Et  
17 al., this is Civil Case No. 2:17-CV-123.

18 And, counsel, as you give your announcements, please  
19 identify yourselves, the members of your trial team, and any  
20 corporate representatives that you have representing the  
21 parties that you represent in the case.

22 We'll begin with the Plaintiff. What says the  
23 Plaintiff?

24 MR. BAXTER: Good morning, Your Honor.

25 THE COURT: Good morning.

1 MR. STEVENSON: My name is Sam Baxter, McKool Smith.

2 And I have with me my law partners, Mr. Ted Stevenson,  
3 Jennifer Truelove, Kevin Burgess, and our corporate rep from  
4 PanOptis, Mr. Ray Warren.

5 The most important member of our team is Mr. Moreno  
6 who is going to run the graphics for us today, Your Honor, and  
7 the rest of the trial.

8 And we're ready, Your Honor.

9 THE COURT: Thank you.

10 What says the Defendants?

11 MR. SMITH: Your Honor, for the Defendants, Michael  
12 Smith.

13 And at counsel table with me, for Huawei, is our  
14 corporate representative Mr. Emil Zhang. Also from Huawei in  
15 the gallery, Mr. Steven Geiszler. And at counsel table with  
16 me, Mr. Bob Haslam, Mr. Stan Young, and Mr. Ali Mojibi.

17 And we're ready to proceed, Your Honor.

18 THE COURT: All right. Thank you.

19 Ladies and gentlemen, as I've told you, this case  
20 arises under the patent laws of the United States.

21 What the plaintiffs are claiming in this case is that  
22 their patents were infringed by the Defendants, and the  
23 Plaintiffs are seeking money damages because of that alleged  
24 infringement.

25 The Defendants deny that they infringe the Plaintiffs'

1 patents, and they contend that those patents are invalid.

2 Now, that is a very short informal way of describing  
3 the case in layman's terms. And I know each of you have seen  
4 the patent video prepared by the Federal Judicial Center. And  
5 having done that, you know a lot more about patents than most  
6 people do when they arrive for jury duty. You're going to  
7 learn a lot more about it as we proceed.

8 As I say, the lawyers are going to question the panel,  
9 and then have an opportunity to inquire in various ways  
10 regarding the members of the panel so that they can exercise  
11 their peremptory challenges and help secure a fair and  
12 impartial jury to hear the evidence in the case.

13 Let me remind you, again, there are no wrong answers  
14 as long as your response are full, complete, and truthful.

15 I don't think it will happen today, but if a lawyer in  
16 the case on either side should ask a question of the panel that  
17 I think is improper or out of bounds, I will certainly stop  
18 them, but you should understand these are all experienced trial  
19 lawyers, and they are well aware and familiar with the rules of  
20 civil procedure that apply in federal courts, the local rules  
21 of this court, and I don't expect that to happen.

22 One thing I do want to call your attention to, ladies  
23 and gentlemen, before we allow the lawyers to question the  
24 panel is the burden of proof that will be applied in this case.  
25 And I want to visit with you about that because it is quite

1 likely that some of the lawyers will want to know about your  
2 ability, if you're selected, to apply the burden of proof in  
3 this case.

4 A jury in a case like this may apply two burdens of  
5 proof. One burden of proof is called the preponderance of the  
6 evidence. And I'll say that again, the preponderance of the  
7 evidence.

8 And the second burden of proof that's applied in a  
9 patent case is called clear and convincing evidence. And I'll  
10 repeat that, clear and convincing evidence.

11 Now, when responding to lawyers' questions about the  
12 burden of proof, I need to instruct you that when a party has  
13 the burden of proof on any claim or defense by a preponderance  
14 of the evidence, it means that the jury must be persuaded by  
15 the credible or believable evidence that that claim or defense  
16 is more probably true than not true. I'll say that again, more  
17 probably true than not true. This is sometimes talked about as  
18 being the greater weight and degree of credible testimony.

19 Let me see if I can give you an example. I think all  
20 of you on the panel can see in front of me and in front of our  
21 court reporter the statute of the Lady of Justice. She's  
22 blindfolded. She holds the sword of justice lowered at her  
23 right side. At her left side, she holds the Scales of Justice  
24 above her head, and they are balanced and completely equal.

25 When you think about the burden of proof in this case,

1 understand that when all the evidence has been presented in  
2 this trial, those of you serving on the jury will be asked to  
3 answer certain questions by the Court. Those questions are set  
4 forth in what's called the verdict form. And when you  
5 determine how to answer those questions, think about all the  
6 evidence that's been presented in the trial as if it has been  
7 set on one side of those scales or the other.

8           If it helps one side, it should go on one side. If it  
9 helps the other, it should go on the other side. And then when  
10 all the evidence in your mind has been placed on those balanced  
11 and equal scales, if those scales tip in favor of the party who  
12 has the burden of proof by a preponderance of the evidence, and  
13 even if they tip ever so slightly, then that party has met its  
14 burden of proof by a preponderance of the evidence, the greater  
15 weight and degree of credible testimony, more probably true  
16 than not true.

17           On the other hand, the jury in this case will also be  
18 asked to apply a second burden of proof called clear and  
19 convincing evidence. And applying the same example, when all  
20 the evidence in the case in your minds has been placed on one  
21 side of the scales or the other, the party who has a burden of  
22 proof by clear and convincing evidence, to meet that burden of  
23 proof, the scales must tip in that party's favor, and they must  
24 tip more than ever so slightly. They must definitely tip in  
25 favor of that party for them to meet their burden of clear and

1 convincing evidence.

2 Clear and convincing evidence, ladies and gentlemen,  
3 means that the jury has an abiding conviction that the truth of  
4 the party's factual contentions are highly probable. Let me  
5 say that again for emphasis, an abiding conviction that the  
6 truth of the party's factual contentions are highly probable.

7 Now, that's a higher standard of proof than the  
8 preponderance of the evidence. However, ladies and gentlemen,  
9 none of you should consider any of what I've just told you with  
10 regard to what you hear about in the media and you see on  
11 television and in the movies, which is a third and completely  
12 different burden of proof called beyond a reasonable doubt.  
13 Beyond a reasonable doubt is the burden of proof applied in a  
14 criminal case, and it has no application whatsoever in a civil  
15 case such as this one. You should not confuse clear and  
16 convincing evidence with beyond a reasonable doubt. It is not  
17 as high as that third and different and inapplicable burden of  
18 proof. But clear and convincing evidence is a higher burden  
19 than the preponderance of the evidence.

20 I give you these instructions and explanations in case  
21 some of the lawyers will inquire of you whether or not you're  
22 able and willing to apply those two different burdens of proof  
23 to the evidence that will be presented in this case.

24 Now, before the lawyers address the panel, I'm going  
25 to ask each of you to tell me as much about you as I told you

1 about me when I came out this morning. Each of you have before  
2 you and on the screens in front of you nine specific questions  
3 to answer. And we're going to go through the panel one at a  
4 time and let each of you answer those questions at this time.

5 We're going to do it in the following manner, and I  
6 want to explain this to you. Our Court Security Officer has a  
7 handheld microphone. We'll begin by bringing it to Panel  
8 Member No. 1, Ms. Smith, and I'll ask Ms. Smith, when she gets  
9 the handheld microphone, to stand and to answer those nine  
10 questions. Then we'll pass the handheld microphone to Panel  
11 Member No. 2, Ms. Settles, and we'll go through the same  
12 process.

13 Whenever you are answering a question, whether it's  
14 these nine questions, ladies and gentlemen, or whether it's  
15 specific questions that the lawyers may pose to you when they  
16 examine the panel, you should wait until you get the handheld  
17 microphone before you answer. And you should stand using the  
18 handheld microphone and then answer the question. It's a large  
19 courtroom. There are a lot of people here. It's important  
20 that we do it this way so that not only the lawyers but the  
21 Court and everyone can hear your answers. So if you'll use the  
22 handheld microphone now and when other questions are asked  
23 later, and if you'll stand when you give your answers, the  
24 Court will appreciate it.

25 All right. We'll begin with Panel Member No. 1,

1 Ms. Smith. And if you'll stand when you get that microphone  
2 and give us your answers to those nine questions, please.

3 JUROR SMITH: Hello. My name is Kathy Ann Smith. And  
4 I live in Omaha, Texas. I have two adult children, both boys.  
5 And my place of employment, I work for the 76 -- 276th Judicial  
6 District, Adult Probation, in Daingerfield, Texas, and I'm the  
7 fiscal officer. I have been there 24 years. I do have some  
8 college. I graduated from high school from Paul Pewitt in  
9 Omaha, Texas. My husband's name is Edward Smith, Sr. He works  
10 at U.S. Steel and has been there for 20 years.

11 THE COURT: Have you ever served on a jury?

12 JUROR SMITH: I have never been chosen to serve on a  
13 jury, no, sir.

14 THE COURT: Okay. Thank you, Ms. Smith. If you'll  
15 hand the microphone to Ms. Settles.

16 JUROR SETTLES: My name is Christine Settles. And I  
17 live in Diana, Texas. I have four adult daughters. I own a  
18 call center in Gilmer, Texas. We do IT support. I have owned  
19 it for six years. I have an Associate's in business  
20 administration from BYU Idaho. My husband's name is Phillip  
21 Settles. He owns an independent insurance agency in Jefferson,  
22 Texas. He has owned that for six years. And I have never been  
23 on a jury.

24 THE COURT: Thank you, ma'am. Panel Member No. 3.

25 JUROR DESLATTE: I'm Stacy Deslatte. I have three



1 grown children.

2 THE COURT: And, ma'am, hold that microphone a little  
3 closer, please.

4 JUROR DESLATTE: Oh, I'm sorry.

5 THE COURT: Thank you.

6 JUROR DESLATTE: Can y'all hear that? Okay.

7 I -- right now I work for Greenleaves of Tyler, which is a  
8 plant -- it's indoor landscaping, and I'm also a self-employed  
9 artist. The Greenleaves job, I think I've had for eight years.  
10 And the -- and then I've been an artist for -- since 2000.

11 THE COURT: Okay.

12 JUROR DESLATTE: My educational background, I have a  
13 degree in chemical engineering -- Bachelor's degree. My spouse  
14 is Bryan Deslatte, and he works for OSISoft which is a  
15 manufacturing software control operation out of California.  
16 And he's worked there since 2006 -- '7 -- 2007. And I have  
17 been on two different juries. One was a civil jury in Gregg  
18 County, I don't know, in the late '80s. And the other was a  
19 criminal court case in Harrison County.

20 THE COURT: How long ago was that?

21 JUROR DESLATTE: I think that was five -- about five  
22 years ago.

23 THE COURT: Okay. Thank you very much.

24 Next is Panel No. 4, Mr. Read.

25 JUROR READ: Yes my name is Joey Reed. I live in

1 Karnack, Texas. I have three children. I am retired. I'm  
2 from General Motors, 30 years. My education, graduated from  
3 Marshall High School and went to a four-year trade school. I  
4 am divorced. And I did -- I was chosen one time in a criminal  
5 case, which was settled out of court.

6 THE COURT: And I assume your work at General Motors,  
7 was at their plant in Shreveport?

8 JUROR READ: Correct.

9 THE COURT: Okay. Sir. Thank you very much.

10 Next is Panel Member 5 -- No. 5, Ms. Garcia.

11 JUROR GARCIA: Okay. My name is Diana Garcia, and I  
12 live in Pittsburg. I don't have any children. I work for  
13 Titus Regional Medical Center. I've been working there almost  
14 a year. I just graduated from high school last year. I'm not  
15 married. And I've never done this before.

16 THE COURT: Okay. Now, if you'll hold the microphone  
17 a little closer.

18 Tell me again where you work.

19 JUROR GARCIA: I work for Titus Region Medical Center.

20 THE COURT: One more time.

21 JUROR GARCIA: Titus Regional Medical Center.

22 THE COURT: Titus Regional Medical Center. Okay.

23 Never had any jury service?

24 JUROR GARCIA: No.

25 THE COURT: All right. Thank you, ma'am.

1 Next is No. 6.

2 JUROR LOBDELL: My name is Jason Lobdell. I live in  
3 Gilmer. I don't have any children. I work -- I'm an assistant  
4 manager at Walmart Super Center in Gilmer. I've worked for  
5 Walmart for 15 years. I graduated from White Oak High School.  
6 My spouse's name is Melanie. She also worked for Walmart.  
7 She's worked there for 15 years. And I have never been picked  
8 for a jury.

9 THE COURT: Never served?

10 JUROR LOBDELL: Never served.

11 THE COURT: All right, sir. Thank you.

12 If you'll hand the mic to Ms. Boyd, No. 7.

13 JUROR BOYD: I'm Vickie Boyd. And I have three grown  
14 children. I'm employed at Bowden Floral in Gilmer, Texas.  
15 I've worked there three years. A high school education. My  
16 spouse's name is Donald Boyd, and he's medically retired. And  
17 I was on a criminal case.

18 THE COURT: And where was that and how long ago?

19 JUROR BOYD: It was in Mississippi in 2001/2002.

20 THE COURT: And what did Mr. Boyd do before he was  
21 medically retired?

22 JUROR BOYD: He was a -- he was an electrician in the  
23 shipyard in Pascagoula.

24 THE COURT: Okay. Thank you, Ms. Boyd.

25 Take the microphone around to Panel Member No. 8,

1 Mr. Humphrey.

2 JUROR HUMPHREY: Yes, sir. My name is Seth Humphrey.  
3 I live in Jefferson, Texas. I have two children, a boy and a  
4 girl. I work at General Cable in Scottsville, Texas. I've  
5 worked there for 19 years. Graduated from Jefferson High  
6 School. Wife's name is Jennifer Humphrey. She's a  
7 hairstylist. She's done that for 15 years. And I don't feel  
8 like I've served on a jury. I was an alternate in a civil  
9 case.

10 THE COURT: And where was that, sir?

11 JUROR HUMPHREY: Marion County.

12 THE COURT: And how long ago?

13 JUROR HUMPHREY: About two years ago.

14 THE COURT: Okay. Thank you, Mr. Humphrey.

15 If you'll hand that to Panel Member No. 9,  
16 Ms. Youngblood.

17 JUROR YOUNGBLOOD: My name is Gina Youngblood. I'm a  
18 business office manager. I'm from Hughes Spring, Texas. I'm a  
19 business officer manager at a long-term care facilities. I've  
20 done that job for 16 years. Been at Magnolia Place for a year  
21 and a half. I don't have any children. My husband works for  
22 Delta Fabrication out of Daingerfield, Texas. He's been there  
23 two years. And I've been called but never served on a jury.

24 THE COURT: And did you give us your educational  
25 background, please, ma'am?

1 JUROR YOUNGBLOOD: Oh, I graduated high school and  
2 have some college.

3 THE COURT: Thank you.

4 Next is Panel Member No. 10, Ms. Taylor.

5 JUROR LESA TAYLOR: My name is Lesa Taylor. I live in  
6 Hallsville, Texas. I have one son. I work for Fastenal, which  
7 I'm an onsite account rep up at the DeNovo facility in  
8 Jefferson. I graduated high school. My husband's name is John  
9 Taylor. He's the store manager for Dealers Electric here in  
10 Marshall. He's been with them for 17 years. I've served on a  
11 criminal and civil case here in Harrison County.

12 THE COURT: How long ago, ma'am?

13 JUROR LESA TAYLOR: One of them was 12 years ago, and  
14 one of them was about eight years ago.

15 THE COURT: Thank you very much.

16 If you'll pass the microphone to Panel Member No. 11,  
17 Ms. Raney.

18 JUROR RANEY: Okay. My name is Belinda Raney. And I  
19 live -- I currently live in Pittsburg, Texas. I have no  
20 children. I do have a grown stepson. My -- currently, I'm  
21 employed at Ferndale Club in Pittsburg, Texas. My last 30  
22 years, over 30 years, has been in oncology data management,  
23 prior to that. I've been at Ferndale for probably just a  
24 month. That's my retirement job. I have an Associate's degree  
25 plus. And my spouse's name is Eddie Raney, and he's -- he was

1 a system analyst, but he's joined me at Ferndale. And also for  
2 a month. Never chosen for jury duty.

3 THE COURT: Okay. Thank you, ma'am.

4 Next is No. 12, Ms. Fennell.

5 JUROR FENNELL: Good morning. My name is Charlotte  
6 Fennell. In Gilmer.

7 THE COURT: Okay.

8 JUROR FENNELL: That's where I live. I have two  
9 beautiful daughters. My place of employment is Edward Jones,  
10 financial, but it is on-call, like a substitute teacher. I've  
11 worked there for three years now. My educational background is  
12 I have a degree in education a BA, an AA in business, and an AS  
13 in art. My spouse's name is Rusty Fennell, and his place of  
14 employment is Highway 80 Rescue Mission. He's the associate  
15 director there. And he is our contemporary pastor for First  
16 Baptist in Gilmer. He's worked at Highway 80 for the past  
17 almost 15 years. I'm from California, so -- Southern  
18 California, so I served at a criminal case in California, and I  
19 was chosen at the foreman over 20 years ago.

20 THE COURT: And that was a civil case?

21 JUROR FENNELL: Criminal.

22 THE COURT: Criminal case?

23 JUROR FENNELL: Uh-huh.

24 THE COURT: Okay. Thank you, ma'am.

25 No. 13, Ms. Gabel.

1 JUROR GABEL: Hello. I'm Jaime Gabel. I'm from  
2 Naples, Texas. I have two girls. My place of employment is  
3 Titus Regional Medical Center. I've been there 18 years. I  
4 have an Associate's in health science. I am divorced. And I  
5 was on a civil trial in Morris County about two years ago.

6 THE COURT: Thank you very much.

7 Next is No. 14, Ms. Wooldridge.

8 JUROR WOOLDRIDGE: My name is Jacque Wooldridge. I do  
9 not have any children. I'm from Pittsburg, Texas. I work with  
10 Walmart pharmacy as a lead pharmacy technician. And I've been  
11 there about seven years. I have a Bachelor's of Science in  
12 interdisciplinary studies, as well as national certification  
13 board with the Pharmacy Technician Certification Board. I am  
14 divorced. And I've been summoned for jury duty once but was  
15 excused due to college.

16 THE COURT: Okay. Thank you very much.

17 Next we'll start on the first row with No. 15,  
18 Mr. Morris.

19 JUROR MORRIS: Good morning.

20 THE COURT: Good morning.

21 JUROR MORRIS: My name -- my name is Leo Morris. And  
22 I live here in Marshall, Texas. I have three grown male boys.  
23 I'm retired from the City of Houston. I was what you call a  
24 field supervisor for Public Works and Engineering there in  
25 Houston. I worked there for 28 years. My educational

1 background, I was -- I graduated high school from Lincoln High  
2 School in Dallas, Texas. And I have two years of college  
3 experience at Texas Southern University in Houston and one year  
4 here at Wiley College here in Marshall. I am divorced. And I  
5 did serve on a grand jury back in 2009 in Houston, Texas.

6 THE COURT: And have you ever served on a jury other  
7 than that grand jury experience?

8 JUROR MORRIS: No.

9 THE COURT: Okay. Sir. Thank you very much.

10 Next is No. 16, Ms. Hall.

11 JUROR HALL: My name is Debra Hall, and I live in  
12 Linden, Texas, which is Cass County. And I have four children,  
13 two boys, two girls. They're all grown. I work for Jefferson  
14 ISD. I am the district nurse, high school nurse. I teach  
15 health class and a dual credit medical terminology class for  
16 Panola College, and I have worked there for about two years.  
17 Before that, I retired and got bored. I had -- I graduated  
18 from Jefferson High School. And I have a Bachelor's degree of  
19 science in nursing from East Texas Baptist University, so I am  
20 an RN. My husband's name is Kent Hall, and he's worked for  
21 U.S. Steel in Lone Star, Texas. He worked there for 40 years  
22 as a machine operator and safety guy. And I have served one  
23 time as -- on a criminal case, that was in 2004.

24 THE COURT: And where was that, ma'am?

25 JUROR HALL: In Marion County.



1 THE COURT: Okay. Thank you very much.

2 Next is No. 17, Mr. Danner.

3 JUROR DANNER: Hello. My name is James Danner. I  
4 live in Gilmer, Texas. I have three children, one deceased.  
5 I've worked for Walmart transportation for 19 years out of  
6 Palestine, Texas as a commodities relocater specialist.  
7 Graduated Gilmer High School and went to Northwest Arkansas  
8 Vocational School. My spouse's name is Patty Danner. She  
9 worked at the First National Bank at the Walmart branch, and  
10 she's retired, taking care of the house and me now. And I've  
11 never served on a jury.

12 THE COURT: All right, sir. Thank you very much. If  
13 you'll hand the microphone to Ms. Goss, No. 18.

14 JUROR GOSS: My name is Robin Goss. And I live in  
15 Longview, Texas. I have two children. I work for Neiman  
16 Marcus as the receiving office manager. Been there 16 years.  
17 Some college. My husband's name is Troy Goss. He works at  
18 Delek Refinery in Tyler as a refiner technician. He's been  
19 there eight years. And I've never served prior.

20 THE COURT: All right. Thank you.

21 If you'll take the microphone around to No. 19,  
22 please.

23 JUROR HUBBARD-SMITH: My name is Arlene Hubbard-Smith,  
24 and I am standing by the way. I live in Lone Star, Texas. I  
25 have two grown children. I work for Outreach Health Services

1 as an attendant for a teenage autistic boy, and I've been  
2 working with him for about nine years. I have a GED education  
3 at -- plus a year of business school with a diploma in computer  
4 accounting. My wife's name is Paula Smith. She used to be a  
5 pharmacy tech, but she is now disabled. And I served on a  
6 criminal case in Dallas in about 1992.

7 THE COURT: All right. Thank you very much.

8 Next is No. 20, Ms. Newton.

9 JUROR NEWTON: I'm Chastity Newton. I'm from  
10 Marshall, Texas, born and raised. I have two children, six and  
11 seven years old. I work at Cabot Corporation. It's here in  
12 Marshall. I've been there for 15 years. I'm in inside sales.  
13 Graduated from high school here in Marshall, Texas. My  
14 husband's name is Bryan Newton. He's from Marshall, as well.  
15 He worked with me for about 20 years, and then he got let go.  
16 They had a big layoff two years ago, and so now he's working  
17 over in Longview at DXP. He is a pump mechanic. He's only  
18 been there for two years. I served once in a criminal case  
19 here in Harrison County. That was about 10 years ago. And  
20 unfortunately, for me, I caught a virus, and I had to be  
21 dismissed. So I don't know what the outcome of that was.

22 THE COURT: And that's your only prior jury service?

23 JUROR NEWTON: Uh-huh, yeah.

24 THE COURT: Thank you very much.

25 No. 21 is next, Ms. Marsh.

1 JUROR MARSH: My name is Joshlyn Marsh. And I  
2 currently live in Gilmer, Texas. I have one three-year-old  
3 son. I work as a music teacher in K through first at Pittsburg  
4 ISD. I've worked there for four years, and I graduated from  
5 the University of Utah. My spouse's name is Bradley Marsh. He  
6 works as a salesman for Plantation Shutter Warehouse, and he's  
7 worked there about seven years now. And I've never been  
8 selected to serve on a jury.

9 THE COURT: Okay. Thank you very much.

10 Next is No. 22, Ms. Clayton.

11 JUROR CLAYTON: Good morning. My name is Vicki  
12 Clayton. And I live in Queen City, Texas. I have one grown  
13 son. I work for Jeff Peace Financial in Atlanta, Texas. I'm  
14 his assistant, and I manage client services. I've been there  
15 ten years. I have a Bachelor of Arts and Science from Texas  
16 A&M University at Texarkana, Texas. My husband's name is  
17 William Clayton. He works at Walmart. He's been there about  
18 15 years. My husband and I are both ordained ministers for  
19 over 30 years. And I have never served on a jury before.

20 THE COURT: All right. Thank you very much.

21 No. 23 is next, Mr. Taylor.

22 JUROR ALFRED TAYLOR: Yes, I'm Alfred Taylor. I live  
23 in Hallsville, Texas. I have two grown adult boys. My place  
24 of employment, I'm a retired teacher. I taught school for 35  
25 years. I'm currently working part-time in a retail hardware

1 store in Hallsville, Texas. My educational background, I have  
2 a Master's in secondary education from SFA. My spouse is  
3 Beverly Ann Taylor. She is also a retired school teacher. She  
4 taught for 36 years. And she is currently retired from  
5 Hallsville Independent School District. My prior jury service,  
6 I've been on two juries. Both were criminal cases here in  
7 Harrison County.

8 THE COURT: How long ago was that, Mr. Taylor?

9 JUROR ALFRED TAYLOR: The last one was about a month  
10 ago.

11 THE COURT: All right. And when you taught in the  
12 public school system, what subjects did you teach?

13 JUROR ALFRED TAYLOR: It was industrial technology, it  
14 was drafting and electronics, welding, machine shop.

15 THE COURT: All right.

16 JUROR ALFRED TAYLOR: All industrial tech classes.

17 THE COURT: Thank you, sir.

18 Next is No. 24, Mr. Collie.

19 JUROR COLLIE: My name is Warren Collie. I live in  
20 Gill community which is a Marshall mailing address. I have two  
21 grown adult daughters. And I'm machinist by trade. I'm  
22 machine shop supervisor at Integrated Power Services in  
23 Shreveport, Louisiana. I've been there for 37 years. I'm a  
24 high school graduate from Bossier City and vocational technical  
25 training after high school. I'm unmarried. And I served on a

1 jury for Harrison County in a criminal case 26 months ago.

2 THE COURT: 26 months ago?

3 JUROR COLLIE: Yes, sir.

4 THE COURT: A little over two years?

5 JUROR COLLIE: Yes, sir.

6 THE COURT: Thank you very much.

7 If you'll hand that to Panel Member No. 25, Ms. Kyle.

8 JUROR KYLE: Good morning.

9 THE COURT: Good morning.

10 JUROR KYLE: My name is Linda Kyle. I live in  
11 Jonesville, Texas. I have two grown daughters. And I work at  
12 Little Works in Progress Pediatric Therapy in Shreveport. I  
13 have worked there almost five years. I went to Humble High  
14 School and Massey Business College in Nacogdoches, Texas. My  
15 husband is Richard Douglas Kyle. He is a contractor, does HSSC  
16 audits for various oil and gas companies. About 25 years ago,  
17 I served criminal trial in Nacogdoches, Texas. I was also on a  
18 civil -- selected for a civil trial, but they settled out of  
19 court before we heard evidence.

20 THE COURT: And tell me, does your husband work for  
21 himself or does he work for a company?

22 JUROR KYLE: He contracts with individual companies,  
23 so, yes, I guess you'd say self-employed. He does audits for  
24 various plants.

25 THE COURT: And is it limited to the oil and gas

1 business?

2 JUROR KYLE: Yes.

3 THE COURT: Okay. Thank you very much, ma'am.

4 Next is No. 26, Ms. Roberts.

5 JUROR ROBERTS: My name is Alisa Roberts. I live here  
6 in Marshall, Texas. I don't have any children. I'm an  
7 assistant manager and zipline campus tour guide at Gators &  
8 Friends Exotic Petting Zoo in Greenwood, Louisiana. I've been  
9 there since early February of this year. I graduated from  
10 Sherman High School and have a Bachelor's degree in religion  
11 and foreign missions from East Texas Baptist University. I'm  
12 unmarried. And I have never served on a jury.

13 THE COURT: Thank you very much. Next is No. 27.

14 JUROR CASAREZ: My name is Edith Casarez. And I live  
15 in Marshall, Texas. I have two baby boys, and I've been with  
16 Access Family Health Clinic for over three years now as a  
17 medical assistant. And I graduated from Marshall High School  
18 and attended Tyler Junior College. My husband's name is Miguel  
19 Casarez, and he recently started working with Cactus Wellhead  
20 in Shreveport, and he's a welder.

21 THE COURT: What -- what's the name of his business?

22 JUROR CASAREZ: He works at Cactus Wellhead in  
23 Shreveport --

24 THE COURT: Okay.

25 JUROR CASAREZ: -- as a welder. And I've never served

1 before on a jury.

2 THE COURT: Okay. Thank you very much.

3 Next is No. 28, Ms. Jones.

4 JUROR JONES: My name is Misty Jones. And I'm from  
5 Pittsburg, Texas. I have two adult children. I work for  
6 Guaranty Bank & Trust, and I'm the IT administrative assistant  
7 there. I've been there for almost two years. I have an  
8 Associates of Science. My husband's name is Michael Jones. He  
9 works for AEP at the Pirkey Power Plant in Hallsville, and he's  
10 an electrician. And he's been there for about ten years, and  
11 I've never served on a jury.

12 THE COURT: All right. Thank you very much,  
13 Ms. Jones.

14 Pass that microphone back to the Court Security  
15 Officer, please.

16 Ladies and gentlemen, I need to say a couple  
17 additional things to you before I turn the questioning over to  
18 the lawyers.

19 The jurors that are selected from this panel to serve  
20 in this case will serve in the role of the judges of the facts.  
21 And the jurors selected in this case will make the sole  
22 determination about what the facts are in this case.

23 Now, my job as the Judge is to rule on questions of  
24 law, evidence, procedure, to maintain the decorum of the  
25 courtroom, and to oversee hopefully an efficient flow of the

1 evidence during the trial process.

2           Also, I'd like to say a couple things to you about our  
3 judicial system that I hope will put things in a proper  
4 perspective for you.

5           In every trial like this one, besides the parties  
6 themselves, there are always three participants: The jury, the  
7 judge, and the lawyers. With regard to the lawyers, it's  
8 important, I think, for you to understand that our judicial  
9 system is an adversary system, which simply means that during  
10 the course of the trial, each of the parties through their  
11 lawyers will attempt to present their respective cases to the  
12 jury in the very best light possible.

13           Now, it's no surprise to any of you that lawyers are  
14 sometimes criticized in the public media, but the Court has  
15 observed that much of that criticism is due to a basic  
16 misunderstanding of our adversary system of justice where the  
17 lawyers act as advocates for the competing parties.

18           As an advocate a lawyer is ethically and legally  
19 obligated to zealously assert his or her client's position  
20 under the rules of our adversary system. And by presenting the  
21 best case possible on behalf of their clients, the lawyers  
22 hopefully will enable the jury to better weigh the relevant  
23 evidence, to determine the truth, and to arrive at a just  
24 verdict based on that evidence.

25           This adversary system of justice has served our



1 country well for over 200 years, and America's lawyers have  
2 been, continue to be, and will be in the future an integral  
3 part of our justice system.

4           So as we go forward with the trial, even though it's  
5 possible from time to time I might frown or growl at the  
6 lawyers over the course of the case, it's simply because I'm  
7 trying to make sure that their advocacy doesn't get outside of  
8 the boundaries of our adversary system.

9           But keep in mind, ladies and gentlemen, the lawyers  
10 are simply doing their jobs in representing their clients, and  
11 I think that that is something that you should be aware of as  
12 we go forward.

13           Also, ladies and gentlemen, I want you to understand  
14 that over the course of the trial, I'm going to do my very best  
15 to make sure that none of you on the jury have any idea about  
16 what I think about the evidence because deciding what the facts  
17 are from the evidence will be the job of the jury and will not  
18 be my job in this trial.

19           So during the course of the trial, those of you  
20 selected on the jury, should not take any expressions or  
21 comments or anything else that you see, hear, or think you see  
22 or hear from me as being something for you to consider in your  
23 decision about the ultimate facts in the case.

24           All right. At this time, counsel for the respective  
25 parties will address the jury panel.

1           Mr. Baxter, I understand you're going to represent the  
2 Plaintiffs.

3           MR. BAXTER: I am, Your Honor.

4           THE COURT: Would you like a warning on your time,  
5 sir?

6           MR. BAXTER: Yes, Your Honor. If you would give me  
7 five and one.

8           THE COURT: Five-minute and one-minute warning.

9           MR. BAXTER: Yes, sir.

10          THE COURT: I will do that, and you may proceed.

11          MR. BAXTER: Thank you, Your Honor.

12          Your Honor, may it please the Court.

13          THE COURT: You may proceed.

14          MR. BAXTER: As I've introduced myself to you, ladies  
15 and gentlemen, my name is Sam Baxter. I'm a lawyer here in  
16 Marshall, Texas. I've been here now 48 years, I think. I used  
17 to be back in the old days the district attorney for Harrison  
18 County.

19                 I think probably I owe an apology to Juror No. 1  
20 because I'm the one that brought Steve Cowan to East Texas and  
21 tried to train him up. He didn't train very well. Are you  
22 still working with Steve?

23          JUROR SMITH: Yes, sir.

24          MR. BAXTER: Okay. I was the DA for a long time, and  
25 then I sat as the district judge, not here, but in a lesser

1 court down the street in state court. And eventually, my  
2 creditors asked me to leave public service and to try to make a  
3 living. And so I've been practicing law ever since.

4 As Judge Gilstrap told you, this is a patent case, and  
5 that's sort of good news and bad news. And the bad news is  
6 that patent cases sometimes are complicated and can be a little  
7 dry. The good news is that in this case, you're going to learn  
8 some really interesting things about cell phones and cell  
9 towers and how they work. And when this case is over, you're  
10 going to be an expert in how cell phones work, and I think  
11 you're going to find it enjoyable.

12 Let me tell you, because Judge Gilstrap said that we  
13 had a couple of minutes to kind of tell you about our case, let  
14 me tell you that there are five patents in this case. Four of  
15 them I'm going to call cell phone patents because they really  
16 have to do with how the cell phone and the tower that we all  
17 fuss about, because there's not enough of them, communicate  
18 with each other, and it's going to be instructive of -- about  
19 how these patents save both battery life on your cell phone and  
20 how they make the transmissions quicker and better and more  
21 efficient using what you're going to hear a lot more than you  
22 want to, bandwidth. That's four of the patents.

23 Well, one of the patents is a video patent, and it has  
24 to do with a complicated way in which they can compress video  
25 and make it more efficient. And once again, save you battery

1 life and bandwidth. And my partner here, Dr. Burgess, is going  
2 to be explaining a lot of that with experts, along with some of  
3 my other colleagues. But you're going to find that  
4 interesting.

5 But there are two more facets that I think we ought to  
6 talk about very briefly. And that is a term that I have not  
7 heard of before in this case, and that is these four patents,  
8 the cell patents, are what are known as standard essential  
9 patents. And that is cell phones have a standard that they  
10 follow, and everybody follows the same standard so that all the  
11 phones will work with whatever tower it is that they connect  
12 with. And then they can talk to each other.

13 And so there is a body called ETSI, and you're going  
14 to hear a lot about that. And the ETSI group sets the  
15 standards. And phones that practice 4G, which is the current  
16 technology, all use exactly the same standard.

17 Four of our patents are what are known as standard  
18 essential patents. And in order to practice the standard that  
19 everybody use, we have to use those four patents, along with  
20 others.

21 But you're going to hear a lot about that. I'm not  
22 going to go into the detail about the patents, but you will  
23 hear the experts tell you how they work and why it is that the  
24 Defendants in this case, Huawei, infringe these patents.

25 Now, let me ask you, does anybody know anything at all

1 about the cell phone -- cell phone company Huawei, it's  
2 actually spelled with an H, it's a Chinese company, and they  
3 sell cell phones here in the United States, which are the  
4 products we're going to be talking about. Anybody know  
5 anything about Huawei, heard about them in the news, seen their  
6 advertisements, know anything about their phones or might have  
7 a phone? Anybody at all?

8 All right. They're represented by the lawyers over  
9 here. This is Mr. Smith, he lives here in Marshall.

10 We also have Mr. Young and Mr. Haslam. And they are  
11 with the law firm known as Covington.

12 Anybody know these lawyers -- probably the only one  
13 you have a chance to know is Mr. Smith. Anybody know these  
14 lawyers?

15 All right. Now, let me ask you -- well, how many  
16 folks got a cell phone?

17 Okay. Everybody.

18 Let me ask you if these features are important to you.  
19 If they are, raise your hand.

20 Battery life, is that important?

21 Let me ask you about speed of service, is that  
22 important?

23 Being able to connect to the Internet, is that  
24 important to you?

25 How many folks use their phone to look at something on

1 the Internet, whether it's products or news or Facebook or  
2 whatever it is, how many people do that?

3 And do you depend on your phone to do that? Everybody  
4 do that?

5 Is there anybody on the jury panel that knows how to  
6 program or work on computers; that is, in your job you're  
7 called to program something or you're called to take it apart,  
8 or you're like Mr. Moreno over here, you're sort of an expert  
9 on making graphics and that sort of thing, anybody at all?

10 Okay. Is there anybody that in their job is in charge  
11 of negotiating contracts or deals with contracts? Anybody at  
12 all?

13 Yes, ma'am?

14 JUROR JONES: Mine is --

15 THE COURT: If you'll wait, ma'am, until you get the  
16 microphone, please.

17 JUROR JONES: I do. Mine is mainly telecom invoices  
18 with AT&T, Verizon, those kind of contracts.

19 MR. BAXTER: And what do --

20 JUROR JONES: Our executives --

21 MR. BAXTER: What do you do with them, ma'am?

22 JUROR JONES: I figure out what the executive wants,  
23 and I'll go and get a phone that they need. And then I fit it  
24 in our service desk and to alert us when the contract is up.  
25 And I will go back to the executive and let them know if they

1 want an upgrade or not.

2 If it's AT&T, I do the same thing. And then we go  
3 back and renegotiate a price for the phone lines that we have  
4 with the company.

5 MR. BAXTER: Let me ask you, when you engage in those  
6 negotiations, is there some give and take in that?

7 JUROR JONES: With -- are -- are you talking about,  
8 like, the price?

9 MR. BAXTER: Yes, ma'am.

10 JUROR JONES: Yes, sir, there are -- they can -- they  
11 will go lower, yes.

12 MR. BAXTER: Okay. So they make you an offer, and  
13 then you -- do you counter with some number?

14 JUROR JONES: I have never had a counteroffer, but  
15 they usually -- when they go with a lower price, we usually  
16 accept it and go with that.

17 MR. BAXTER: Okay. But there's some negotiation, and  
18 there's some to and fro'ing?

19 JUROR JONES: Yes, sir.

20 MR. BAXTER: And the number starts here, then ends up  
21 down here; is that right?

22 JUROR JONES: Yes, sir.

23 MR. BAXTER: And if you just say, no, I'm not going to  
24 pay that, what happens then? You never get the phone?

25 JUROR JONES: Yeah, pretty much.

1 MR. BAXTER: That's what I need to know.

2 Who here has negotiated their own contract, and I'm  
3 thinking primarily here about when you bought or sold a house.  
4 Anybody engage in negotiations in real estate about you made an  
5 offer on a house, and they said no, and they made a  
6 counteroffer? How many people have done that?

7 All right. How many people think that the offer that  
8 you make, whether it's a high one or a low one, you're stuck  
9 with it forever, or is that negotiable, depending on what  
10 happens with the other side? Does everybody feel that way? If  
11 you do, raise your hand. That was such a poor question, nobody  
12 understood it.

13 Let me ask it again, just as poorly. If you're in  
14 negotiations about a house, and let's suppose that you're --  
15 you're the seller, and you said I want a hundred thousand  
16 dollars for the house. And the prospective buyer says, no,  
17 that's too much, I'll pay you 75, and they come down to 85 or  
18 they come down to 75, are those numbers -- in effect, once you  
19 make that offer, they're not written in stone because you think  
20 people will negotiate with you? Would that be fair? Is that  
21 question any better? A little bit?

22 All right. Anybody on the jury panel own any rental  
23 property?

24 Ms. Settles, let me ask you. What you got?

25 JUROR SETTLES: We have 16 rental houses in the Gilmer



1 area.

2 MR. BAXTER: Okay. Do you have -- I take it you've  
3 got renters?

4 JUROR SETTLES: We do.

5 MR. BAXTER: All right. Does there come a time maybe  
6 once in a while when the renter falls behind?

7 JUROR SETTLES: Quite often.

8 MR. BAXTER: Okay. And they say, well, I can't pay  
9 this month or I can only pay X or things of that sort, does  
10 that happen?

11 JUROR SETTLES: There's a lot of negotiating.

12 MR. BAXTER: Okay. Is there also negotiating on your  
13 side, and you can say, well, if you can't pay the \$300.00,  
14 could you pay 150?

15 JUROR SETTLES: Constantly.

16 MR. BAXTER: Okay. If that happens, Ms. Settles, but  
17 they just keep saying no, do you find out sometimes they just  
18 kind of drag you out and keep staying in the house and you're  
19 trying to be nice and trying to help them out and they don't  
20 leave and they don't pay?

21 JUROR SETTLES: Very true.

22 MR. BAXTER: Okay. Is it also true that maybe from  
23 time to time you have to resort, unfortunately, to -- to  
24 getting somebody like me to help you out?

25 JUROR SETTLES: It is.

1 MR. BAXTER: All right. When you have to -- let's  
2 suppose you're suing for back rent.

3 JUROR SETTLES: Uh-huh.

4 MR. BAXTER: And the renter hadn't paid in six months  
5 and it's 300 bucks a month, they owe you \$1800.00, but you had  
6 agreed to take just 700 if they'd pay you.

7 JUROR SETTLES: Yeah.

8 MR. BAXTER: When you go to court, are you stuck with  
9 that 700?

10 JUROR SETTLES: Usually.

11 MR. BAXTER: Can you tell them, though, I want you to  
12 pay everything you owe?

13 JUROR SETTLES: You can, but if they can't pay the  
14 700, they're not going to pay the 1800.

15 MR. BAXTER: I understand. My question to you is:  
16 When you go to court and they say, well, she offered me  
17 \$700.00, so that's -- she's bound by that, can you say no, no,  
18 I offered it to you and you wouldn't take it, and so now you  
19 have to pay the whole \$1800.00 and all the judgment against  
20 that?

21 JUROR SETTLES: Yes.

22 MR. BAXTER: Is that right?

23 JUROR SETTLES: I believe so.

24 MR. BAXTER: Is that what happened?

25 JUROR SETTLES: We don't ever get it.

1 MR. BAXTER: Okay. I got it. Thank you, Ms. Settles.

2 Now, who on this jury panel has a deer lease?

3 Anybody? Or goes deer hunting? Anybody at all? I got --

4 there we go. All right. No. 9. And you're Ms. Youngblood,

5 aren't you?

6 JUROR YOUNGBLOOD: Yes.

7 MR. BAXTER: Okay. Ms. Youngblood, we've met before,

8 have we not?

9 JUROR YOUNGBLOOD: I don't think so.

10 MR. BAXTER: Have you been on a jury panel in this

11 court before?

12 JUROR YOUNGBLOOD: I was not selected.

13 MR. BAXTER: Yes, ma'am. Was that in the Abbott case?

14 JUROR YOUNGBLOOD: It was so long ago, I don't

15 remember.

16 MR. BAXTER: Okay. I think I was the lawyer in that

17 case, and I think you were on the panel, and you were too far

18 out of the range. That's been awhile ago, hasn't it?

19 JUROR YOUNGBLOOD: It has been awhile, yes.

20 MR. BAXTER: Yes, ma'am.

21 All right. Tell me about your deer lease.

22 JUROR YOUNGBLOOD: There's 700 acres in Dierks,

23 Arkansas.

24 MR. BAXTER: Okay. Do you own it or you lease it?

25 JUROR YOUNGBLOOD: My husband leases it.

1 MR. BAXTER: All right. Mr. Moreno, can I see my  
2 deer -- my deer lease slide, if you don't mind? I think it's  
3 probably No. 8.

4 All right. So -- I had Mr. Moreno make this slide for  
5 us, and it shows the deer and the stand and a sign that says  
6 The Baker's Deer Lease, hunting by permission only. Are you  
7 familiar with that sort of concept?

8 JUROR YOUNGBLOOD: Yes.

9 MR. BAXTER: Okay. If, in fact, I show up in Dierks,  
10 Arkansas, with my little 22 rifle and I want to go out there  
11 and go deer hunting but I don't have a permit -- that is, I  
12 haven't paid my license fee -- you think I ought to be out  
13 there in that deer stand to your exclusion?

14 JUROR YOUNGBLOOD: No.

15 MR. BAXTER: If you've paid for it, you get to be on  
16 the property, right?

17 JUROR YOUNGBLOOD: Correct.

18 MR. BAXTER: And if I don't pay for it, I need to stay  
19 off?

20 JUROR YOUNGBLOOD: Correct.

21 MR. BAXTER: Is that how a lease works?

22 JUROR YOUNGBLOOD: Yes.

23 MR. BAXTER: Is that how a license works? You, in  
24 effect, have a license to be on this property?

25 JUROR YOUNGBLOOD: Correct.

1 MR. BAXTER: Okay. Thank you, Ms. Youngblood.  
2 Now, who on the jury panel has had any experience with  
3 licenses, not driver's license, but a license to do something,  
4 like a deer lease, anybody at all? Anybody got that? All  
5 right.

6 Now, my client, PanOptis, who is in Dallas, Texas, is  
7 a company that owns a lot of patents, and they've gone out in  
8 the marketplace, and they have bought patents from the  
9 high-tech companies, Ericsson, Panasonic, LG. And they have  
10 put those patents into families, cellular families. And they  
11 then, on behalf of themselves and the companies that they  
12 bought these patents for, go out into the marketplace and have  
13 license negotiations with companies.

14 Anybody got a problem with that? Does that sound like  
15 a good model? Raise your hand. Okay.

16 Anybody ever had -- applied for a patent? Anybody  
17 know anybody who's applied for a patent?

18 Yes, ma'am, No. 16.

19 JUROR HALL: My uncle many, many years ago, probably  
20 40 years ago applied for a patent, and that's all I know. I  
21 know he had a patent, but I have no idea what it was for.

22 MR. BAXTER: Okay. How many people -- and I'm going  
23 to ask somebody specifically in a minute, how many people think  
24 there are too many lawsuits in this world and way too many  
25 lawyers? I'm surprised it's not unanimous. I'd raise my hand

1 on that one.

2 All right. Let me -- let me go back to No. 24, if you  
3 don't mind, Mr. Collie.

4 Tell me your feeling about lawsuits.

5 JUROR COLLIE: I -- I -- now, naturally, I do agree  
6 that they are very necessary and very important things to  
7 protect -- that protects us, protects us from, you know, people  
8 taking our things or our ideas. However, I do feel like that a  
9 lot of them, especially in civil cases, are what I would deem  
10 frivolous, or, you know, they -- they -- they attack the  
11 obvious.

12 MR. BAXTER: Okay. Is that in the patent field or is  
13 that more in the I hurt my neck in the car wreck?

14 JUROR COLLIE: I would say more in the personal injury  
15 and I hurt my neck in the car wreck type.

16 MR. BAXTER: Sometimes maybe -- as my son says, I just  
17 overstated my case; is that right?

18 JUROR COLLIE: Yes, sir.

19 MR. BAXTER: In the patent field, do you have any  
20 problem with someone enforcing their patent rights?

21 JUROR COLLIE: No, sir.

22 MR. BAXTER: All right. Thank you very much,  
23 Mr. Collie. I appreciate it.

24 Ms. Youngblood, I'm going to ask you again, if you  
25 don't mind, please, because I noticed on your questionnaire

1 that you said that you had some reservations about the patent  
2 system or patent law or patent lawsuits. And I don't know  
3 whether I changed it in that Abbott case or not, but tell me  
4 what your -- what your feelings are.

5 JUROR YOUNGBLOOD: If someone has a patent, I really  
6 feel like they shouldn't be infringed upon.

7 MR. BAXTER: Okay. You don't have any problem with  
8 somebody coming to court if, in fact, someone is using their  
9 technology; is that right?

10 JUROR YOUNGBLOOD: No.

11 MR. BAXTER: Okay. Now, let me ask you this. If  
12 someone -- you own a piece of property -- I'm going to ask  
13 everybody, Ms. Youngblood, thank you.

14 If you own a piece of property and somebody comes on  
15 your piece of property and starts drilling for oil or gas and  
16 by golly hit it, and you didn't give them permission to do it,  
17 and they're taking your oil and gas, beside writing them a  
18 nasty letter or talking to them in a mean kind of way, what are  
19 you to do in order to get some recompense about them coming on  
20 your property? Or in your case, Ms. Settles, they just move in  
21 your house.

22 Go ahead and give her the microphone.

23 And as long as I've got you there, Ms. Settles, and  
24 since you're used to some of this, what -- what are to you do  
25 when someone just camps out in your house and says, you know,

1 it was empty, and I needed a roof, and so I'm here? What --  
2 what -- and you politely ask them to leave and they just say  
3 no, I'm here?

4 JUROR SETTLES: You hire some legal representation.

5 MR. BAXTER: You've got to go --

6 JUROR SETTLES: You have to have someone who can back  
7 you up.

8 MR. BAXTER: Would the same be true, Ms. Settles, in a  
9 patent lawsuit if you feel like that you have technology  
10 that -- that you own and then somebody is infringing or using  
11 your license or using your technology, and they're not paying  
12 for it?

13 JUROR SETTLES: That would be your property just as  
14 much as a home or --

15 MR. BAXTER: Any problem about coming to court with  
16 that?

17 JUROR SETTLES: No.

18 MR. BAXTER: Okay. Nothing you would see wrong with  
19 that?

20 JUROR SETTLES: No.

21 MR. BAXTER: All right. Now, let me ask you this:  
22 Let's suppose, unfortunately, one day somebody breaks into your  
23 house and steals a gun. And they go down -- where do they go  
24 down to, Mr. Moreno, do you have that slide?

25 We took this one yesterday. And they go down and they



1 pawn the gun. And they get down here at the Marshall pawnshop,  
2 and they sell the gun for 10 percent of its worth. Let's say  
3 it's a really nice Remington shotgun, and it's worth about a  
4 thousand bucks, and they sell it to for a hundred. And your  
5 gun gets sold to somebody else, and you can't find it, but you  
6 finally catch the burglar. And the burglar says, well, okay,  
7 yeah, I got your gun, but I only got a hundred dollars for it.

8 Now, how many people think that when it comes time for  
9 restitution that all he's got to pay is the hundred dollars  
10 back that he got from the pawnshop?

11 How many people think that he ought to pay a thousand  
12 dollars back and maybe more because he broke the window coming  
13 in your house, that he ought to pay it all back?

14 Okay. Now, I'm going to show you some patent terms,  
15 and I'm going to ask you your familiarity with them. And tell  
16 you that I think you're going to hear a lot more about them in  
17 this trial.

18 And the first one we've talked about, which is  
19 infringement, and does everybody understand that infringement  
20 means that somebody owns a patent and somebody else is using  
21 that technology, and, therefore, they infringe the patent?  
22 Everybody understand that?

23 Here's the next term, and that's validity, and you're  
24 going to hear, I think, in this case that one of the defenses  
25 that Huawei has is they're going to say that one or more of our

1 patents are invalid.

2 Well, what happens is, is that people apply for  
3 patents, and these patents that came from Ericsson or  
4 Panasonic, they have experts that make these applications, and  
5 they go to the Patent Office, and you're going to hear about  
6 some of the to'ing and fro'ing with the Patent Office, but  
7 eventually, the Patent Office grants a patent.

8 And Judge Gilstrap, I believe, is going to tell you  
9 that if a patent is granted in the United States, then it is  
10 presumed, and you will presume it as the jury for it to be  
11 valid. Anybody got any problem with that?

12 Now, oddly enough, though, one of the things that can  
13 happen in a patent trial is the Defendant can say, well, maybe  
14 I infringe it, but it's not really valid, and you shouldn't  
15 have gotten it. And the Patent Office made a mistake.

16 And that is when a new burden of proof is going to  
17 click into this case that Judge Gilstrap has already told you  
18 about of which you're going to hear a lot more about, which is  
19 clear and convincing evidence.

20 And can you get that slide up for me, Mr. Moreno?

21 And clear and convincing evidence is a burden of  
22 proof. Remember, he told you that the statue of justice has  
23 balanced scales, and it's the moving party's obligation, that's  
24 us, to prove to you that the patent is infringed by a  
25 preponderance of the evidence. And if you were to stack BB's

1 on those scales and just remove one and put it on the other  
2 side, those scales would tip ever so slightly. And that's the  
3 burden we have.

4 But when a Defendant says that a patent that is  
5 presumed to be valid is not, then Judge Gilstrap, I believe, is  
6 going to tell you that the burden is clear and convincing  
7 evidence.

8 Let me tell you where you might have heard that in the  
9 past. If the State of Texas wants to remove children from your  
10 home, or anybody's home, the burden that the State has in order  
11 to take children is clear and convincing.

12 And I think that Judge Gilstrap's going to tell you at  
13 the end of the day that it's an abiding conviction that the  
14 truth of the party's factual contentions are highly probable,  
15 and such evidence requires a higher standard of proof than  
16 proof by a preponderance of the evidence. And because they're  
17 going to say that all the elements of our patent are met by  
18 something called prior art that we'll be talking about in a  
19 minute, they have to prove each and every one of them by the  
20 standard that goes like that.

21 Now, if you're on this jury, can everybody hold the --  
22 hold us to our burden of preponderance of the evidence, which  
23 is tilting those scales ever so slightly, but also hold the  
24 Defendant to this clear and convincing standard in which  
25 they've got to mightily tip the scales. Can everybody do that?

1           And Judge Gilstrap is going to explain it to you, and  
2 it will be a lot clearer when he does.

3           Now, I want to talk to you just a moment.

4           Can you go back to that slide, that -- that patent  
5 terms, Mr. Moreno?

6           The next term on that term is prior art, which is  
7 you're only going to hear in a patent case, and it's not really  
8 art, it's not a painting or a sculpture tour or anything, it's  
9 a publication, and the Defendants are going to say, well,  
10 there's a publication that told you how to do it. And that's  
11 what prior art is.

12           We talked about these standard essential patents,  
13 which is what four of these patents are. So in order to  
14 practice the 4G standard, which is what all of these phones  
15 practice now, you've got to have standard essential patents,  
16 and you're going to hear that four out of our five are standard  
17 essential.

18           And then you're going to hear this last term called  
19 FRAND. And what happens is, is that when you have a standard  
20 essential patent, that you go to these standardization bodies,  
21 and they say, look, in order to do this cell phone work, you'll  
22 need these patents, and they say, yes, that's right. That  
23 means that I, as the owner of that patent, must license it to  
24 anybody that want it, as long as I get a fair price, and it's  
25 reasonable, and I don't discriminate against anybody, and

1 that's called FRAND. And you're going to hear in this case  
2 that we're asking for a FRAND rate on four of the patents, but  
3 a slightly different rate on the video patent.

4 Now, let me talk to you about damages just a moment.

5 And can I get up the slide, Mr. Moreno, that is trees?

6 THE COURT: You have five minutes remaining, counsel.

7 MR. BAXTER: Thank you, Your Honor.

8 Now, I want you to assume just a moment that this is  
9 your property, and you own it, it's been in the family for a  
10 hundred years. And what you did is take the kids out there  
11 when they were little and picnic and enjoy nature, and you just  
12 love that property.

13 But, unfortunately, one day you decide to take a  
14 two-week vacation and go to Florida. And you go to the beach  
15 and you have a good time. And you have come home, and here's  
16 what you find.

17 It's not a good day. Somebody has come on your  
18 property while you were gone and cut all your trees down. And  
19 you find out who it is, and you contact them, and you're not  
20 very happy about it. And after sort of expressing amazement  
21 that they could come on your property and cut those trees while  
22 you're gone, you start talking about how they're going to  
23 compensate you for what they've done.

24 And their excuse is, well, we're sorry, we didn't  
25 realize it was your property. We thought it was somebody

1 else's. And we had a timber deed. And we cut those trees  
2 down, and we're sorry. And tell you what we're going to do to  
3 express our sorrow to you, we're going to pay you for every  
4 other tree we cut down because it was a lot of work, and we had  
5 to get bulldozers in there and a lot of folks with chainsaws  
6 and log trucks and we had to build roads. And so we're just  
7 going to pay you for 50 percent of your trees.

8           How many people say, that's a great deal, I'll be  
9 taking that? Anybody?

10           Well, you negotiate with them a while longer, and you  
11 say -- they say, well, I tell you what, just as a show of good  
12 faith, I'm going to pay you for 75 percent of those trees. How  
13 many say, deal?

14           Who's going to say I would like for you to pay for  
15 every single tree you cut down and for the damage to my  
16 property, so you're going to pay me more than a hundred percent  
17 for the trees? Who's going to say that?

18           Who all thinks that that's a fair attitude to take?  
19 You see anything wrong with getting full value from property  
20 that's been taken from you? Anybody have any problem with that  
21 at all?

22           Well, in a patent case, there's not much difference.  
23 We're going to allege and have alleged and we're going to prove  
24 that the Defendants, Huawei, the phone company, has, in fact,  
25 taken our intellectual property and are using it. And we've

1 put them on notice that it was ours. We put them on notice how  
2 they were taking it. There were negotiations going back and  
3 forth. And at the end of the day, they simply refused to pay a  
4 fair price for what they'd taken. They wanted to pay for  
5 something much less.

6 So is anybody going to have any problem when we come  
7 into court with a damage expert and says we want full value --  
8 full value for the property you've taken? Does that cause  
9 anybody any problem?

10 Now, let me tell you without telling you the exact  
11 number, at the end of the day, it's going to be somewhere  
12 around \$10 million. In a patent case, that's not very large.  
13 But it's very important to us. And it's important that  
14 companies respect intellectual property and that companies,  
15 when they use it, pay for it.

16 Does anybody have any problem with that at all? Is  
17 there anybody say, well, you just should have taken their  
18 number? They offered you something, and you didn't have to  
19 come to court and get all these lawyers involved and drag me  
20 away from my job to settle it. Anybody feel that way?

21 THE COURT: One minute remaining.

22 MR. BAXTER: Thank you, Your Honor.

23 Does everybody feel that they can sit and listen to  
24 the evidence, and if the evidence justifies a damage finding of  
25 somewhere around \$10 million, that you can award that to my

1 client if, in fact, we've proved they've taken and used our  
2 intellectual property? Anybody have a problem with that at  
3 all?

4 If not, Your Honor, I thank you for your time, and I  
5 appreciate your patience.

6 THE COURT: All right. Defendants may now address the  
7 panel.

8 Mr. Smith, would you like a warning on your time?

9 MR. SMITH: Yes, Your Honor. If I could have five  
10 minutes and one minute also.

11 THE COURT: That will be just fine. You may proceed.

12 MR. SMITH: Thank you, Your Honor.

13 Ladies and gentlemen of the jury, on behalf of Huawei,  
14 we appreciate your service this week. We appreciate your being  
15 here.

16 His Honor told you that today is the latest day in a  
17 tradition that goes back thousands of years of -- of citizens  
18 coming in and acting as jurors on disputes that are brought to  
19 them by people. So we're happy to be here today and presenting  
20 our case to you.

21 I want to start out by -- you've answered all the  
22 questions. His Honor answered them. Mr. Baxter told you a  
23 little about himself, so let me just tell you a little bit  
24 about myself as well. Mr. Baxter is correct, I am from  
25 Marshall. I grew up here. I actually grew up across the



1 street from Mr. Baxter over on West Burleson awhile back. I  
2 have three children, one in college, and two that are in high  
3 school. I've been at my current job for 10 years. I've been  
4 practicing law for 26 years. I left Marshall to go to college  
5 in Commerce at East Texas State, which now A&M Commerce. It  
6 also had A&M Texarkana back then. And ended up going to Baylor  
7 Law School before I came back. My wife's name is Jamie Smith.  
8 She's our Harrison County Treasurer, and she's been in that job  
9 for 24 years. And for some reason, I've never served on a  
10 jury. I was called one time, and they didn't want me for some  
11 reason.

12 I want to tell you a little bit about this case, but  
13 I'm not going to talk to you about the technical side of it at  
14 this time. Mr. Baxter gave you a little bit on that, and we'll  
15 talk about that once we get in the case.

16 There are two things I want to focus on that you've  
17 already heard about, but your job in this case, I think, is  
18 going -- a big part of it is not going to be talking about,  
19 well, here's what all the details of the technology is. It's  
20 taking what you learned from that evidence and deciding the  
21 answers to the questions that the Court's going to ask you on  
22 that verdict form at the end of the case. And there are two  
23 that I want to talk about.

24 The first thing is you're going to be asked -- it is  
25 like a trespass case. And the slides that Mr. Baxter put up

1 of -- of talking about property lines and cutting trees and --  
2 and deer leases, that's all exactly right. That's what this  
3 is. It's a property case. But the first rule in a property  
4 case is did you come onto the land?

5 Ms. Settles, you have rent -- rent property. We've  
6 talked about that previously. Do you try to collect rent for  
7 people who aren't renting your houses?

8 JUROR SETTLES: No.

9 MR. SMITH: No, of course, not. Thank you very much,  
10 Ms. Settles.

11 The first issue -- there are two important issues I  
12 want to talk about briefly, and the first is infringement.  
13 They have to show that we're using what is in the patents, and  
14 we believe that when you hear the evidence from the witnesses  
15 there, when you see the evidence that comes in on the screens  
16 and the paper evidence, that you'll see that we're not actually  
17 doing what's in the patents that they bought and they're  
18 asserting here. We're doing something else.

19 The second question is an even more important one. We  
20 all agree that if somebody comes on your land and they're  
21 squatting in your house, if they cut down your timber, all  
22 that, that you deserve recompense. You deserve to be able to  
23 come into court, as the Plaintiffs have today, and put their  
24 case in front of a jury.

25 But Mr. Baxter said let's assume that this land

1 belongs to you. And he's correct, we are going to start out  
2 this trial by assuming that these patents are valid, but we're  
3 going to put on evidence before you that causes you to  
4 understand that this was actually invented by someone else, the  
5 patents are not valid.

6 So that's the summary of the issues I want you to be  
7 watching for. Is there actually infringement? And are the  
8 patents actually valid?

9 Now, let me -- with that background, let me ask --  
10 start asking some questions.

11 You've already been asked, does anybody know about the  
12 computers and the Internet? And I have a slightly different  
13 question.

14 When you're visiting with your family or you're  
15 visiting with your friends, and somebody says, well, I don't  
16 know how to get something to work on a computer or on my phone  
17 or something, are any of you the person that says, oh, wait,  
18 let me help you with that, I think I know how to do that. Or  
19 your friends point to you and say, oh, Ms. So-and-so over here,  
20 she knows how to do that.

21 All right. Mr. Collie, tell us about that.

22 JUROR COLLIE: Well, I just -- I always had a pretty  
23 good understanding of how, you know, applications and programs  
24 work. And I've just always been that guy. Maybe my friends  
25 are not that smart.

1 MR. SMITH: Okay. Thank you very much, Mr. Collie.  
2 Anyone else like that, you're the person that gets to answer  
3 that?

4 Okay. Ms. Wooldridge, tell me about your expertise there.

5 JUROR WOOLDRIDGE: My dad is an older gentleman. I'm  
6 usually the one to help him deactivate his do not disturb on  
7 his phone so that he can hear his wife calling him. I also did  
8 just get back from Walmart's home office testing updates to  
9 computer systems that we use in the pharmacy. Though I didn't  
10 have anything to do with the actual programming, I did test the  
11 new releases on the builds to find bugs, write out bugs, and  
12 attempt shortcuts and recreate situations in the real world so  
13 that they could put out a good product.

14 MR. SMITH: Okay. Thank you very much, ma'am.

15 Let's hop over to the law. Anyone on the jury panel  
16 have any experience with the law? I understand that you work  
17 for the courts in Daingerfield, Ms. Smith.

18 JUROR SMITH: Yes, sir, I do.

19 MR. SMITH: But other than you, is there anyone else  
20 that has worked in a law office for a court, has some  
21 experience working around the legal system?

22 Okay. Ms. Kyle, what's your experience in that  
23 regard?

24 JUROR KYLE: Many years ago, 25 years ago, I worked in  
25 a probation department, and I also worked for private civil

1 attorneys for 11 years.

2 MR. SMITH: Okay. Thank you very much, ma'am.

3 Does anyone -- before you came in here today, did  
4 anyone have any other knowledge through your work about patents  
5 or trademarks or copyrights?

6 Okay. Yes, ma'am, Ms. Deslatte?

7 JUROR DESLATTE: You were right the first time, thank  
8 you.

9 Well, many years ago, I worked for about 20 years at  
10 Eastman Chemical in engineering and the art -- in the research  
11 and development, and some of the research we did became -- you  
12 know, was developed into patents. I don't know that -- I  
13 didn't do any applications myself or anything, but we were  
14 doing technology research.

15 MR. SMITH: All right. Thank you very much,  
16 Ms. Deslatte.

17 I wanted to ask the same question Mr. Baxter asked  
18 about the Plaintiffs' counsel in this case. Does anyone know  
19 anyone on the -- on the Plaintiffs' counsel's team? I believe  
20 Mr. Baxter you've heard from, Ms. Jennifer Truelove, Ms. JoAnne  
21 Garrett Bayliss, Mr. Todd Parrish in the gallery, does anybody  
22 know Mr. Baxter or -- or any of the other people.

23 Let me ask a broader question. Oh, I'm sorry, oh,  
24 yes, sir. Mr. Danner?

25 JUROR DANNER: Yes, I haven't seen him since high

1 school, but I went to school with Todd Parrish.

2 MR. SMITH: Okay.

3 JUROR DANNER: Years ago.

4 MR. SMITH: Okay. Thank you very much, Mr. Danner, I  
5 appreciate that.

6 Does anyone on the jury know anyone else in the  
7 courtroom before today, anyone on the jury panel, any -- anyone  
8 else?

9 Okay. Let's starts on the first row, Ms. Smith,  
10 who -- who did you recognize?

11 JUROR SMITH: Well, I'm familiar with her.

12 MR. SMITH: Okay. That's Ms. --

13 JUROR SMITH: Jaime. Jaime, yes.

14 Okay. Thank you.

15 JUROR SMITH: And, you know, she -- she was a  
16 neighbor while I was in Hallsville.

17 MR. SMITH: Okay.

18 JUROR SMITH: I think that's the only one.

19 MR. SMITH: Thank you, ma'am.

20 Who's next that knows someone? We're going to work  
21 our way down the aisle here.

22 JUROR SETTLES: I know Juror No. 21 from church.

23 MR. SMITH: Oh, okay. Thank you very much, ma'am.

24 I think Ms. Boyd, you knew someone?

25 JUROR BOYD: I do. I know the Judge.

1 MR. SMITH: Oh, okay.

2 JUROR BOYD: I work for his wife. I'm sorry.

3 MR. SMITH: Okay. Thank you very much, ma'am.

4 JUROR BOYD: Okay.

5 MR. SMITH: I -- I appreciate that.

6 Second row, anyone know anyone here before -- oh,

7 No. 4, thank you, Mr. Read?

8 JUROR READ: Yes just being with Marshall all my life,

9 I'm just familiar with some of the faces in here.

10 MR. SMITH: Okay. Do -- do you know --

11 JUROR READ: Not personally.

12 MR. SMITH: Do you just know who someone is?

13 JUROR READ: I've had a hair salon since '86 so some  
14 of the people that came in.

15 MR. SMITH: Okay.

16 JUROR READ: In my business.

17 MR. SMITH: Okay. Thank you very much, sir.

18 Any -- anyone on the second row know someone else in  
19 the courtroom?

20 Okay. How about the first row in the gallery here?

21 Okay. Ms. Hall, who do you know?

22 JUROR HALL: I know Larry Nance.

23 MR. SMITH: Okay.

24 JUROR HALL: We're Jefferson people.

25 MR. SMITH: Okay. Anyone else on the first row?

1 Second row?

2 Ms. Marsh?

3 JUROR MARSH: I know Juror No. 2 from church. And  
4 also, I taught Juror No. 12's daughter from school.

5 MR. SMITH: Okay. Thank you very much.

6 Where did you -- what did you teach her?

7 JUROR MARSH: Band.

8 MR. SMITH: Oh, okay. Thank you very much.

9 Anyone else on that row?

10 And I don't see any other hands on that.

11 I want to talk about large companies for a minute.

12 You already know what Huawei is. It's a Chinese company that  
13 is involved in telecommunications around the world. And you're  
14 going to hear a little bit more about that.

15 And I want to ask you questions about large companies  
16 and your -- your opinions on that.

17 Remember, the Court said during his instructions that  
18 we're -- what we're looking for -- for this system to work is  
19 fair and impartial jurors, so I want to ask your opinions on  
20 some things.

21 Some people think that you just can't trust large  
22 companies. Some -- and other people don't feel that way. I  
23 want to know, is there anybody on the jury that just feels  
24 strongly you just can't trust a company that's large? Anybody  
25 on the front row that feels that way?



1           Anyone on the second row, just has the opinion you  
2     can't trust companies?

3           How about the third row?

4           And in the back two rows?

5           Thank you very much.

6           Does anybody have an opinion that large companies, by  
7     their nature, are unethical for some reason? Anybody have that  
8     opinion?

9           Anyone on the front row?

10          Ms. Smith, do you have an opinion one way or the other  
11     about that or -- or does it depend on the facts?

12          JUROR SMITH: It just depends on the facts. I have a  
13     problem with trust with anybody. Just working in the judicial  
14     system, you know.

15          MR. SMITH: Okay.

16          JUROR SMITH: You see different things every day. So,  
17     you know, you have to get your facts first.

18          MR. SMITH: Okay. Thank you very much, Ms. Smith.

19          Let me -- let me follow along with that.

20          Anyone in the gallery have -- have -- let me go back  
21     and ask -- ask a -- ask a different -- the question a little  
22     differently.

23          How many people would agree with a statement that  
24     corporations put profits over ethics as a general statement?  
25     Anybody on the front row?

1           Ms. -- Ms. Deslatte, let me -- let me catch you, if I  
2 could. Tell me what you think about that.

3           JUROR DESLATTE: I don't know about if it's above  
4 ethics, but I think that corporations are for profit.  
5 That's -- that's the function of the corporation is to make  
6 money for their stockholders.

7           MR. SMITH: Okay. Thank you very much, ma'am.

8           Now, let me talk a little bit -- start focusing more  
9 on different types of corporations.

10           How many people -- I mean, we see things on the news  
11 these days, and I want to ask you your beliefs about this. How  
12 many of you believe that foreign corporations are hurting  
13 America's economy? Anybody on the front row believe that  
14 foreign corporations are hurting America's economy?

15           Mr. Lobdell, let me ask you about that. Do you have  
16 any -- any feelings about that or...

17           JUROR LOBDELL: I don't -- they're not purposely going  
18 out of their way to hurt America's economy. They're a  
19 corporation, maybe a foreign corporation, it's their job to  
20 make money. It's their job to compete.

21           MR. SMITH: Does it matter to you whether it's an  
22 American corporation or a foreign corporation?

23           JUROR LOBDELL: Not -- well, as long as they're  
24 following the law, no.

25           MR. SMITH: Thank you very much, sir.

1           Second row, anybody have the -- the belief that  
2 foreign corporations are hurting America's economy?

3           And the reason I'm asking that is that Courts -- as  
4 the Court said, we're trying to get fair and impartial jurors,  
5 and we all come into those -- through those doors into the  
6 courtroom with different opinions and different beliefs. And  
7 that's fine. You're -- you are absolutely entitled to your  
8 beliefs. But I need to know what those beliefs are as they  
9 pertain to the issues in this case in the same way that you  
10 would want to ask me about my beliefs if I were in your  
11 position. I want to ask you what your beliefs are about that.

12           On the second row there, Ms. Fennell, I see you  
13 shaking your head, tell me what you think about that.

14           JUROR FENNEL: Okay. Well, I'm from Southern  
15 California. So I have a different view of cultural diversity.  
16 I grew up with many different mom and pop stores, and -- and it  
17 was honored out there, but when Walmart came in, it wasn't  
18 welcome as much because they took over a lot of the mom and pop  
19 locations and just knocked them out of the business.

20           But coming here to Gilmer, where there was no mall or  
21 anything else, I learned to enjoy Walmart, so it doesn't affect  
22 me as much as it used to when I lived in California.

23           MR. SMITH: All right.

24           JUROR FENNEL: Did you understand that?

25           MR. SMITH: Thank you very much, ma'am.

1           Let me ask the same question moving down here in the  
2 third row. Anyone have any beliefs on whether foreign  
3 corporations are hurting the American economy? On the first  
4 row there?

5           Mr. Morris, let me ask you about that, do you have  
6 any -- you've worked in a -- in a variety of locations. Do you  
7 have any beliefs about -- about foreign corporations?

8           JUROR MORRIS: No, I don't.

9           MR. SMITH: Okay. Thank you very much, sir. I -- I  
10 appreciate that.

11           And on the next two rows, same question?

12           Okay. Yes, ma'am, Ms. Kyle?

13           JUROR KYLE: It is my personal belief that foreign  
14 corporations, particularly China, does steal technology from  
15 the United States, for instance, cell phones, et cetera.  
16 That's just my personal opinion.

17           MR. SMITH: Okay. And would that personal opinion be  
18 something that you would bring into the jury service with you,  
19 or would you be able to follow the evidence in this case and  
20 find out if that's actually correct or not?

21           JUROR KYLE: I believe I could follow the evidence. I  
22 think in a particular case that I would -- only what's  
23 presented would be considered.

24           MR. SMITH: Okay. Thank you very much, Ms. Kyle.  
25 I -- I appreciate your -- your candor.

1           Now, let me ask some questions drilling down a little  
2 bit more. Does anyone here on the panel know someone who was  
3 born in China? Have an acquaintance or have a friend that was  
4 born in China?

5           Does anyone here --

6           THE COURT: Well, let me ask, ladies and gentlemen, if  
7 you're going to raise your hand, raise it all the way. I'm  
8 seeing a lot of hands that go about shoulder high that I don't  
9 think the lawyers are able to see with the people sitting  
10 around you. So if you're going to raise your hands, please  
11 make sure you raise them above your heads so that everybody  
12 will have an opportunity to see you're raising your hand.

13           I'm sorry, go ahead, Mr. Smith.

14           MR. SMITH: Thank you, Your Honor.

15           Okay. Let me ask that question again. Does anyone  
16 know someone who was born in China?

17           Yes, Ms. Marsh?

18           JUROR MARSH: I've had flute students who were Chinese  
19 born.

20           MR. SMITH: Do you know if they were born on the  
21 mainland or in Taiwan?

22           JUROR MARSH: I couldn't tell you.

23           MR. SMITH: Okay. Is there anyone on the panel that  
24 it makes a difference to you whether someone is from mainland  
25 China, the People's Republic of China, or Taiwan? Does anyone

1 see a -- is there a distinction between those two locations  
2 that matters to anyone on the panel?

3 Ms. Marsh?

4 JUROR MARSH: Sorry. It doesn't really matter to me,  
5 but from my experience, it has mattered to the people who were  
6 from the different parts.

7 MR. SMITH: Thank you.

8 JUROR MARSH: Not to me personally.

9 MR. SMITH: Thank you very much.

10 But -- but other people on the panel, there's not a  
11 reason you would distinguish between whether they were from the  
12 People's Republic of China on the mainland or from Thailand?

13 Okay. Thank you very much.

14 His Honor observed the history of the jury system that  
15 we follow, and what we're doing right now is a process called  
16 voir dire. It comes from an old French word that means to  
17 speak the truth. And the reason we're asking you these  
18 questions is to find out what your attitudes and what your  
19 beliefs are to see if they affect your ability to be a fair and  
20 impartial juror on this case.

21 The question I want to ask now is does anyone here  
22 have a negative impression of Chinese companies as you come in  
23 today? As you come in, you already have a negative impression?

24 And, Ms. Kay (sic), you've already expressed your  
25 opinions, and I appreciate that again.

1           Anyone on the front row have a negative opinion as you  
2 come in today about companies from China?

3           Second row, anyone have any -- any opinions --  
4 negative opinions about companies from China?

5           And third row, on the gallery?

6           And then the -- other than what we've already heard on  
7 the next two rows?

8           Okay. Now, what we -- what we're going to have -- oh,  
9 I'm sorry, yes, sir, Mr. Collie?

10           JUROR COLLIE: I -- I just -- I tend to agree with  
11 Juror 25 that -- that U.S. patents mean typically nothing to  
12 Chinese corporations. They -- they ignore them. They mean  
13 nothing. It's not their law. And when they come over here,  
14 they should -- you know, they should have to abide by it.

15           MR. SMITH: Okay. Does anyone agree with Mr. Collie?  
16 Anyone on the front row agree with Mr. Collie's opinion on  
17 that?

18           Anyone on the second row agree with that opinion?

19           I mean, that's very important to me. I need to  
20 know -- and I appreciate Mr. Collie telling us that, because  
21 that's what I need to know, if that view is shared by other  
22 jurors so that we can discuss that and take that into  
23 consideration.

24           Is there anyone in these first two rows that feels the  
25 way Mr. Collie does?

1           How about in the third row?

2           All right. Ms. -- Ms. Hall, you're -- you're shaking  
3 your head. Tell me what you think about that.

4           JUROR HALL: I think our world is equal -- an equal  
5 opportunity for everybody. And in the United States, a lot of  
6 our technology comes from other countries. So if we didn't  
7 have those input in there and listen to it, then we wouldn't be  
8 what we are today.

9           MR. SMITH: All right. Thank you very much, ma'am.

10          The next question I want to ask is clearly, you  
11 already know that the case that we're going to be here for the  
12 next week on deals with an American company and a Chinese  
13 company.

14          Now, the way I think about this is if I were on the  
15 jury panel and it was the Dallas Cowboys against the Washington  
16 Redskins, I could not -- I've got an -- I've got an interest  
17 there. I've got an opinion there, and I couldn't set it aside.  
18 And I couldn't be fair to that other team. So that's what I  
19 want to know. As you come in here today, is there someone who  
20 thinks, well, I'm going to -- I'm going to -- the American  
21 company is going to start out a little ahead. The Chinese  
22 company is going to start out a little bit behind just because  
23 of where they're from. Because if you have that belief, I  
24 really want to know about it.

25          Anybody on the front row that would start my client



1 back a little bit?

2 Yes, ma'am, Ms. Deslatte?

3 JUROR DESLATTE: Just in general, I will choose  
4 something that's U.S.-made or U.S.-originated.

5 THE COURT: Hold the microphone a little closer,  
6 please.

7 JUROR DESLATTE: I'm sorry.

8 I would choose a U.S. company if I had a choice  
9 between two products and one was a -- a U.S.-made and one was  
10 Chinese or any other country's, I would choose the U.S. That's  
11 all. I guess I have somewhat of a bias.

12 MR. SMITH: Would that -- if you were -- if you were a  
13 juror in this case, could you follow the Court's instructions  
14 and start the parties out even?

15 JUROR DESLATTE: I -- I would listen -- yes, I believe  
16 so.

17 MR. SMITH: It -- thank you very much, Ms. Deslatte.  
18 I appreciate that.

19 Is there anyone that feels differently from  
20 Ms. Deslatte, you -- you would not start the parties out even  
21 because of what you already know about who the parties are? I  
22 don't see any hands there.

23 Let me ask this one -- one last time a little  
24 different way.

25 His Honor referred to the Scales of Justice and the

1 statue that sits in the center of the courtroom is Lady  
2 Justice. And you'll notice she wears a blindfold. And that's  
3 a symbol. It's a symbol of justice being impartial. All  
4 parties being treated the same in the system, that's very  
5 important in this week.

6 So what I want to know is, is there anyone that --  
7 because of anything you've heard so far, is going to treat my  
8 client differently than you would treat Mr. Baxter's client?  
9 Has anyone heard anything, other than what we've discussed,  
10 that you believe would make a difference?

11 Now, I want to ask you some questions about the patent  
12 system. Mr. Baxter asked this, and I think there were a couple  
13 of hands I wanted to follow up with.

14 Who on the jury panel either has a patent or works for  
15 a company that has patents.

16 Ms. Deslatte, I know your -- your former employer did.

17 Is there anyone else in the first two rows who has  
18 patents or -- okay. Yes -- yes, ma'am, Ms. Raney?

19 JUROR RANEY: In 2014, my husband started a company  
20 called Raney Electronics, and he did put in a provisional  
21 patent for an irrigation monitoring alert system.

22 MR. SMITH: Did that end up being granted as a patent?

23 JUROR RANEY: They -- the prototype is in  
24 production -- you know, is actually in use. And -- but funding  
25 did not allow us to go to full production. And we were using a

1 grant from the federal government to help us with that. And  
2 when all those grants were hatched -- you know, done away with,  
3 you know, with -- you know, decisions.

4 MR. SMITH: Because of that experience, as someone  
5 applying for a patent, would that cause you to lean towards the  
6 Plaintiff in this case, or is that something that you could set  
7 aside?

8 JUROR RANEY: I don't think so. I wouldn't have --  
9 you know, I'd listen to the facts.

10 MR. SMITH: All right. Thank you very much, ma'am.

11 Anyone else applied for a patent or your -- you know  
12 your company has patents? Any involvement in -- in the patent  
13 process?

14 I don't -- I don't see any hands there.

15 Was there anyone here that would have -- that had an  
16 understanding of the patent system before you came in today,  
17 before you saw the film this morning?

18 Okay. Yes, Ms. Raney, I understand you did.

19 Anyone else have an understanding of the patent system  
20 other than what we've talked about already?

21 Yes, ma'am, Ms. Roberts?

22 JUROR ROBERTS: I've seen a short video clip of --  
23 and, honestly, right now I can't think of who it is, but sort  
24 of a cross between a news anchor and a late night TV host, and  
25 he addressed the patent system. And because it is held in

1 Marshall and I'm from there, he -- I've seen it passed around.

2 MR. SMITH: Is there anything about what you saw that  
3 would affect your ability to listen to the evidence and -- and  
4 consider the facts of this case?

5 JUROR ROBERTS: I think he does present a view that  
6 was a little bit -- that would give me an impartiality to start  
7 with, just how the whole patent system works with electronics.  
8 He presented it as being a little unfair in some cases.

9 THE COURT: You have five minutes, Mr. Smith.

10 MR. SMITH: Okay. Thank you, Your Honor.

11 All right. Thank you very much, ma'am.

12 JUROR ROBERTS: Yes.

13 MR. SMITH: You know that the U.S. Patent and  
14 Trademark Office is in charge of granting patents, but you're  
15 going to be asked this week to look at whether a patent should  
16 have been granted or not.

17 Now, let me ask this question. Is there anyone here  
18 that says you generally have a strong feeling of trust that  
19 when the federal government does something, they get it right?  
20 Anyone has a strong feeling like that?

21 All right. So my next question is you're going to be  
22 asked did the federal government get it right when it granted a  
23 patent here under the Court's instructions.

24 Is there anyone here that says I just couldn't look at  
25 that -- even though the Court's instructions tell me I have a

1 role to play, I just couldn't second guess the Patent Office?

2 Anyone that feels that way on the first row?

3 Second row?

4 And in the gallery?

5 Thank you very much.

6 Has anyone worked for a company that was involved in  
7 any type of patent litigation?

8 Okay. And that was your former employer? Were you  
9 involved in that?

10 JUROR DESLATTE: No.

11 MR. SMITH: Thank you very much.

12 Let me ask another -- another question. How many much  
13 you would agree with the statement that patents encourage  
14 innovation? By a show of hands, how many people would agree  
15 that patents encourage innovation?

16 Is there anyone that believes that patent -- oh,  
17 Ms -- Ms. Garcia?

18 JUROR GARCIA: Yes.

19 MR. SMITH: You were kind of hesitant on that. What  
20 do you think about that?

21 JUROR GARCIA: I don't know. It's whatever type of  
22 thing, to be honest.

23 MR. SMITH: Okay.

24 JUROR GARCIA: I don't know if that gives you a good  
25 clear answer, but I'm like -- I don't know.

1 MR. SMITH: I appreciate --

2 JUROR GARCIA: I'm biased pretty much.

3 MR. SMITH: Thank you for that answer, ma'am.

4 Anybody believe the opposite? Anybody think that the  
5 patent system actually discourages innovation, that it's a  
6 negative towards innovation? Anybody, by a show of hands, feel  
7 that way?

8 Okay. Has anyone -- does anyone here believe they've  
9 invented something, and they've chosen not to get a patent?  
10 You've invented something, you've had an idea, you've come up  
11 with something, you just chose to not get a patent for it?

12 All right. Ms. Hubbard-Smith?

13 JUROR HUBBARD-SMITH: Well, sometimes you -- you know,  
14 you get an idea for something. I've gotten an idea one time at  
15 Mardi Gras about how to have something to catch the beads  
16 better, and the next year I saw something similar to it. But I  
17 never acted on it, so somebody had the same idea, and they did  
18 act on it, so it was their idea.

19 MR. SMITH: All right. Thank you very much, ma'am.

20 Who here has been a plaintiff in a lawsuit? You filed  
21 a civil lawsuit as a plaintiff? Anyone on the panel?

22 Okay. Some people think that just because a lawsuit  
23 gets to court, that means that there must be merit to it.  
24 Other people think that just because it gets to court, it  
25 doesn't have -- doesn't tell you anything about whether it has

1 merit.

2 Let me ask the first one. How many of you would  
3 believe that just because a lawsuit makes it to court, it must  
4 have some merit?

5 I don't see anybody raising their -- yes, ma'am,  
6 Ms. Youngblood? Does it mean anything to you that the lawsuit  
7 got to court as far as whether it has merit or not?

8 JUROR YOUNGBLOOD: I would think there would have to  
9 be enough evidence produced to make it this far. I'm not a  
10 hundred percent sure. I've never been in this kind of  
11 litigation, but I would think you would have to have something  
12 tangible to make it this far.

13 THE COURT: You've got one minute remaining.

14 MR. SMITH: Thank you, Your Honor.

15 Does anyone else agree with -- with that?

16 Okay. Number -- number -- in the interest of time,  
17 I'll just make a note of that Ms. Deslatte, thank you.

18 The last question I want to ask is the one that I was  
19 taught to last -- ask last, and it's because I've asked the  
20 questions that I can think of, the ones that I think will bring  
21 out things about your background and experiences. But there's  
22 always a question that you don't think of, and a juror might  
23 come up later and say, you know, if you'd asked me this, I  
24 think you would have known about this.

25 As you sit here today, is there some reason, some fact

1 about you serving on this jury that you would want me to know,  
2 you know, Mr. Smith, I really don't think I'd be good for this  
3 particular case, but you haven't asked the question, but it's  
4 something I think you should know, anyone on the front row that  
5 feels that way? Something I've missed that you think is  
6 important?

7           Anyone on the second row?

8           And on the third row?

9           And in the gallery?

10           All right. Thank you very much, ladies and gentlemen.  
11 I appreciate your attention, and we look forward to presenting  
12 our case to you.

13           THE COURT: Counsel, approach the bench, please.

14           (Bench conference.)

15           MR. BAXTER: Your Honor --

16           THE COURT: Does Plaintiff have any challenges for  
17 cause?

18           MR. BAXTER: No, Your Honor.

19           THE COURT: Do Defendants have any challenges for  
20 cause?

21           MR. SMITH: Yes, Your Honor. Juror No. 9. Yes, Juror  
22 No. 9.

23           THE COURT: Ms. Youngblood?

24           MR. SMITH: Yes, sir.

25           THE COURT: Any others?



1 MR. SMITH: No, Your Honor.

2 THE COURT: Okay. Well, Ms. Deslatte, Ms. Boyd, and  
3 Ms. Youngblood all raised their hands about potential  
4 scheduling problems, and Defendants have challenged  
5 Ms. Youngblood for cause. I'll retain those three venire  
6 members back and let everyone else recess.

7 Is there anyone else that the Court should keep back  
8 and question here at the bench that you're aware of.

9 MR. BAXTER: Not from us, Your Honor.

10 MR. SMITH: Not from us, Your Honor.

11 THE COURT: Okay. Take your seats, please.

12 (Bench conference concluded.)

13 THE COURT: All right. Ladies and gentlemen, I'm  
14 going to excuse the members of the panel for a recess with  
15 three exceptions. And I'm going to ask you three to stay where  
16 you are, let those around you slip out for recess, and then  
17 just keep your seats where you're located.

18 And those are Panel Members No. 3, Panel Member No. 7,  
19 and Panel Member No. 9.

20 The rest of you I'm going to excuse for recess. And I  
21 want to talk about a couple things before I actually let you  
22 recess through the double doors in the back of the courtroom.

23 First of all, when you go through those double doors,  
24 if you'll take a left, and go around the corner, you'll find  
25 two important things: The water fountains and the restrooms.

1           Number two, I'm going to ask you to stay in the  
2 building, not to leave the building, stay on this first floor.  
3 I don't expect this recess to be terribly long, but I do need  
4 you to stay in the building.

5           Number three, talk about the weather, talk about your  
6 grandchildren, your children, talk about sports, who's going to  
7 win the World Series this fall, anything you want to talk  
8 about, but do not talk about anything that's happened in the  
9 courtroom this morning while you're on recess.

10           I need to make it clear to you, ladies and gentlemen,  
11 you have not heard any evidence in this case at this point. So  
12 talk about anything and everything except anything that's  
13 happened in the courtroom this morning.

14           With those instructions, those of you on the panel,  
15 except those three, Panel Member 3, 7, and 9 are excused for  
16 recess at this time.

17           COURT SECURITY OFFICER: All rise.

18           (Jury panel out.)

19           THE COURT: Be seated, please.

20           Ms. Marsh, is there a reason you stayed behind?

21           JUROR MARSH: Yes, sir, after thinking, I thought that  
22 I may need to ask you about something that may interfere within  
23 the next week if it goes that long.

24           THE COURT: All right. If you'll keep your seat,  
25 we'll get to you in just a moment.

1 Counsel, approach the bench, please.

2 THE COURT: And, Ms. Deslatte, if you'd come up and  
3 join us, please. Ms. Deslatte.

4 (Bench conference.)

5 THE COURT: Good morning. These are microphones, and  
6 you and I are just going to talk quietly here at the bench.

7 JUROR DESLATTE: Okay.

8 THE COURT: You indicated when we started this morning  
9 that you might have a scheduling problem that would be  
10 significant and could keep you from being available during the  
11 course of the whole trial. Can you tell me about that?

12 JUROR DESLATTE: Yes, I have a scheduled vacation  
13 starting -- I have airplane tickets on Saturday morning out of  
14 Dallas.

15 THE COURT: Okay.

16 JUROR DESLATTE: So that'd keep me from Monday.

17 THE COURT: Where are you going?

18 JUROR DESLATTE: I'm going to Massachusetts to hike on  
19 the Appalachian trail.

20 THE COURT: Okay. All right. And the tickets are  
21 bought and paid for?

22 JUROR DESLATTE: Yes. For many months.

23 THE COURT: Okay. Well, I don't know that the case is  
24 going to go as far as Monday, but it could. And I can't take a  
25 chance of you being on the jury and the case going to Monday

1 and then you're mad at me because you missed that airplane  
2 flight.

3 JUROR DESLATTE: Yeah, yeah. Interesting case.

4 THE COURT: Mr. Baxter, do you have any questions for  
5 Ms. Deslatte?

6 MR. BAXTER: No, Your Honor.

7 MR. SMITH: No, Your Honor.

8 THE COURT: Ms. Deslatte, I'm not going to require you  
9 to serve on this jury --

10 JUROR DESLATTE: Okay.

11 THE COURT: -- but I want you to join the rest of the  
12 group outside during the recess, and I don't want you to  
13 mention anything we talked about in here.

14 JUROR DESLATTE: Okay. I can go out right now?

15 THE COURT: If you'd just go right through the double  
16 doors and join the rest of the group.

17 JUROR DESLATTE: Okay.

18 THE COURT: Thank you.

19 MR. BAXTER: Thank you, Ms. Deslatte.

20 (Juror exits courtroom.)

21 THE COURT: All right. I'm going to excuse  
22 Ms. Deslatte.

23 (Open court.)

24 THE COURT: Ms. Boyd.

25 (Bench conference continued.)

1 THE COURT: Good morning. It's been awhile.

2 JUROR BOYD: Yeah, a long time. 10 years.

3 THE COURT: Tell me about your scheduling problem.

4 JUROR BOYD: Okay. My daughter is in Jackson,  
5 Mississippi, and she had an accident and they're having to go  
6 in every day or two and work on her hand that they may or may  
7 not be able to keep. And if they call me, I would not want to  
8 be on a jury that I couldn't go.

9 THE COURT: She's in the hospital now in Jackson?

10 JUROR BOYD: She's in the hospital now in Jackson.  
11 She had a side-by-side accident, flipped it, and her hand was  
12 under the vehicle. So it's -- she's in surgery -- I mean,  
13 she's in clean-up right now.

14 THE COURT: When did the accident happen?

15 JUROR BOYD: Two weeks ago. And she's -- I think  
16 she's fine, but I don't want to be committed here and then them  
17 call me with she had a fleshing eating bacteria in her hand  
18 because it happened in a creek and they've taken the whole of  
19 her palm. So, you know, I just don't want to be on the jury,  
20 and then them call me that she's taken a turn because they were  
21 afraid for a while it was going to be gone.

22 THE COURT: Is there a specific surgical procedure  
23 scheduled now, or is it just anything could happen?

24 JUROR BOYD: Anything could happen. But what they're  
25 doing is every other day they go in and they clean it out and

1 they're checking for the bacterias and stuff. But all of her  
2 hand bones are crushed, and they're trying to get the bones put  
3 back together. But it's a wait and see. And she could be  
4 there for another couple of weeks and be fine. I just don't  
5 know that.

6 THE COURT: I understand. And this is your daughter?

7 JUROR BOYD: Yes.

8 THE COURT: Okay. Any questions, counsel?

9 MR. BAXTER: No.

10 MR. SMITH: No, Your Honor.

11 THE COURT: Okay. Ms. Boyd, I'm not going -- I'm not  
12 going to -- you'd be thinking about your daughter the whole  
13 time you're on the jury anyway. I'm not going to require that  
14 you serve. We have plenty of members.

15 JUROR BOYD: And I'll be glad to do it another time.

16 I mean --

17 THE COURT: Trust me, the clerk's office will keep  
18 your name.

19 JUROR BOYD: Yeah, I get called at Marion County quite  
20 a bit.

21 THE COURT: Well, I can't --

22 JUROR BOYD: I can serve, but --

23 THE COURT: -- I'm not going to -- I'm not going to  
24 begin to answer for Marion County. I'm going to excuse you,  
25 and I'm going to let you join the rest of the panel outside

1 during recess. Just don't discuss anything we've talked about  
2 in here.

3 JUROR BOYD: Yes, sir.

4 THE COURT: Okay. Thank you, ma'am.

5 MR. BAXTER: Good luck, Ms. Boyd.

6 (Juror exits courtroom.)

7 (Open court.)

8 THE COURT: Ms. Youngblood, would you join us?

9 (Bench conference continued.)

10 THE COURT: I'm going to excuse Ms. Boyd, obviously.  
11 Good morning, ma'am.

12 JUROR YOUNGBLOOD: Good morning.

13 THE COURT: These are our microphones, and we're going  
14 to talk quietly here at the bench. I've got two things I need  
15 to ask you about.

16 Number one, you raised your hand when we started and  
17 indicated you might have a scheduling problem if you were  
18 selected. Tell me about that.

19 JUROR YOUNGBLOOD: The 24th, I'm supposed to meet my  
20 husband for a purchase of a horse trailer. From that point, we  
21 were going on vacation. He's been out of the area working  
22 since June, so we haven't gotten to see or spend any time  
23 together since June.

24 THE COURT: Okay. Now --

25 JUROR YOUNGBLOOD: All next week we're on vacation.

1 There's no guarantee that the case would be over before Friday?

2 THE COURT: All right. All right. And it may be, but  
3 there -- as you say, there's no guarantee.

4 Now, you and he are supposed to meet and buy a horse trailer?

5 JUROR YOUNGBLOOD: Uh-huh.

6 THE COURT: And where is that --

7 JUROR YOUNGBLOOD: I have to sign the note.

8 THE COURT: -- where is that going to happen?

9 JUROR YOUNGBLOOD: Ohio.

10 THE COURT: Okay.

11 JUROR YOUNGBLOOD: He's working in Kentucky, just  
12 right close to Ohio.

13 THE COURT: Okay. And to close the purchase, you have  
14 to be there to sign the papers?

15 JUROR YOUNGBLOOD: I've sent an email asking if I  
16 could do things remotely. I didn't get an answer back before I  
17 had to be here this morning, so...

18 THE COURT: Okay. Mr. Smith, do you have some  
19 questions of Ms. Youngblood?

20 MR. SMITH: Yes, I did, Your Honor.

21 Ms. Youngblood, you answered -- when I asked the question about  
22 whether you believed that there must be some merit to the case  
23 as a result of making it to open court, you thought that there  
24 was. Could you -- could you kind of repeat what you said  
25 there?



1 JUROR YOUNGBLOOD: I would think there would have to  
2 be some kind of merit before you reach this point of so many  
3 people being involved and something had to have been presented  
4 somewhere to -- to bring up documentation and patents and who  
5 they went through to get this far in legalities.

6 MR. SMITH: Is that a belief that you would have  
7 difficulty setting aside if you were chosen to sit on the jury?

8 JUROR YOUNGBLOOD: No. I would look at whatever was  
9 presented here as what we look at. That's just a guess on my  
10 part.

11 MR. SMITH: Would that -- but would my client start  
12 out behind because of your assumption that there must be merit?

13 JUROR YOUNGBLOOD: Oh, no. No, you would have to --  
14 both sides would have to present their case.

15 MR. SMITH: That's all I have, Your Honor.

16 THE COURT: Do you have any questions, Mr. Baxter?

17 MR. BAXTER: No, Your Honor.

18 THE COURT: All right. Tell me again how long it's  
19 been since you and your husband have been separated because of  
20 his work?

21 JUROR YOUNGBLOOD: Since June. He was sent to  
22 Kentucky in June.

23 THE COURT: Does he do pipeline work or what --

24 JUROR YOUNGBLOOD: He works for Delta Fabrication, and  
25 they are rebuilding an automotive plant up there that builds

1 automotive parts. The only day they get off is Sunday.

2 THE COURT: Is it -- I mean is this the first time  
3 this has happened, or is it common with his employment that  
4 he's sent someplace and gone for long periods --

5 JUROR YOUNGBLOOD: Since he's worked for Delta, this  
6 the first time.

7 THE COURT: And how long has he worked for Delta?

8 JUROR YOUNGBLOOD: For two years now.

9 THE COURT: Okay.

10 JUROR YOUNGBLOOD: They pretty much remain local and  
11 have weekends off, but when they went up there, he only gets  
12 Sunday off. And it's a 12-hour drive.

13 THE COURT: All right.

14 JUROR YOUNGBLOOD: And I work five days a week, so...

15 THE COURT: Ms. Youngblood, I'm going to excuse you  
16 from the panel. We've got plenty of people to serve. And I'm  
17 sympathetic to your situation.

18 JUROR YOUNGBLOOD: He used to work in Alaska and got  
19 to come home for three weeks at a time.

20 THE COURT: Of course, some wives are happy if their  
21 husbands are gone for long periods of time.

22 JUROR YOUNGBLOOD: It gets to the point it's time to  
23 go back to work.

24 THE COURT: Okay. I'm going to ask you to join the  
25 rest of the group outside during recess, but don't discuss

1 anything we've talked about in here.

2 JUROR YOUNGBLOOD: Okay.

3 THE COURT: Okay?

4 JUROR YOUNGBLOOD: Okay.

5 THE COURT: Thank you.

6 MR. BAXTER: Good luck to you on your trip, ma'am.

7 JUROR YOUNGBLOOD: Thank you.

8 (Juror exits courtroom.)

9 THE COURT: All right. I'm going to excuse  
10 Ms. Youngblood. Those are the only three that we had marked.

11 We're going to seat eight jurors. Each side has four  
12 peremptory challenges, so eight and eight is 16 and three is  
13 19. I do have Ms. Marsh. She's not on my list.

14 MR. SMITH: She's outside the strike zone.

15 THE COURT: She would be. What is she, 21?

16 MR. SMITH: Yes, sir.

17 THE COURT: So we're going to strike through 19? Is  
18 that what you all --

19 MR. BAXTER: Yes, Your Honor.

20 MR. SMITH: Yes, Your Honor.

21 THE COURT: The way you all count it? Okay. How long  
22 do y'all need to strike your lists?

23 MR. BAXTER: 15 minutes, Your Honor, maybe.

24 THE COURT: 11:30?

25 MR. BAXTER: Yes, Your Honor, be great.

1 THE COURT: Okay. Let me tell Ms. Marsh that we're  
2 not going to need her up here, and then I'll excuse you all to  
3 strike your list.

4 MR. SMITH: Thank you.

5 (Bench conference concluded.)

6 THE COURT: Ms. Marsh, I'm not going to call you up  
7 because you're far enough back in the panel that you're not  
8 going to be reached. In other words, you're not going to be on  
9 this jury no matter what happens.

10 JUROR MARSH: Okay. Thank you.

11 THE COURT: But if you would, join the rest of the  
12 panel outside during recess, and certainly don't discuss what I  
13 just said or anything that's happened in the courtroom.

14 JUROR MARSH: Okay.

15 (Juror Marsh exits courtroom.)

16 THE COURT: All right. Counsel, the Court will recess  
17 and allow you time to exercise your peremptory challenges, and  
18 then we'll reconvene and seat the jury that's been selected.

19 The Court stands in recess.

20 COURT SECURITY OFFICER: All rise.

21 (Recess.)

22 COURT SECURITY OFFICER: All rise.

23 THE COURT: Be seated, please.

24 All right. Ladies and gentlemen, if you will listen  
25 carefully when your name is called, I'm going to ask that you

1 come forward and take your seat in the jury box.

2 We're going to seat eight jurors in this case. I'm  
3 going to ask that the first four jurors be positioned on the  
4 front row of the jury box, and the second four jurors,  
5 Jurors 5, 6, 7, and 8, be on the second row of the jury box.

6 And there are 14 seats in the jury box, so to make  
7 sure that our eight jurors are centrally located, I'm going to  
8 ask that Juror No. 1, when you enter the box, go to the front  
9 row and stand in front of the third chair from the end. Leave  
10 two empty chairs past where you're standing. And I'm going to  
11 ask eight all jurors to remain standing until everyone is in  
12 the box, and then I'll seat you.

13 So Jurors 1, 2, 3, and 4 should go to the front row of  
14 the jury box. Juror 1 should stop in front of the third chair  
15 from the end, leave two blank chairs past you. And then the  
16 jurors going to the second row will just line up behind their  
17 respective counterparts on the front row. And that will give  
18 us four and four centered in the jury box for a good position  
19 from here forward throughout the end of the trial. I hope  
20 that's clear.

21 And with that, I'm going to ask Ms. Lockhart to call  
22 the names of our eight panel members who have been selected as  
23 jurors in this case.

24 COURTROOM DEPUTY: Diana Garcia, Lesa Taylor, Belinda  
25 Raney, Jaime Gabel, Jacque Wooldridge, Debra Hall, Robin Goss,

1 and Arlene Hubbard-Smith.

2 THE COURT: I guess I'm going to have to say ladies of  
3 the jury, not ladies and gentlemen of the jury. Please have a  
4 seat.

5 Those of you on the panel that were not selected to  
6 serve in this case and on this jury, I'm about to excuse you,  
7 but I want to excuse you with the heartfelt thanks and sincere  
8 appreciation from the Court and the Court staff. And I know I  
9 speak for the parties and their counsel when I say we  
10 appreciate each of you being here today and presenting yourself  
11 for jury service, even though you weren't selected.

12 Every one of you, without a doubt, had other places to  
13 be this Monday morning, other things to do in your lives and  
14 careers that were important to you, things to do with your  
15 families, perhaps, that were important to you, and you set  
16 those aside, and you answered the call to jury duty and  
17 appeared and presented yourself. And even though you weren't  
18 selected, I want you to understand that in our view, you each  
19 rendered very real and valuable public service, and it's to be  
20 recognized, it's to be appreciated, and it's to be commended.

21 The Court recognizes that and thanks each one of you  
22 for being here. We could not function as the third branch of  
23 our national government without citizens like yourselves  
24 answering the call to jury service and presenting yourselves  
25 when called to appear like you've done this morning. It's not

1 insignificant. It's important, and it's very much recognized  
2 and appreciated by the Court.

3 I'm going to ask you, those of you that are about to  
4 be excused who were not selected, when you leave, if you'll  
5 make sure that those very valuable numbers and badges get left  
6 with the clerk's office.

7 If you have any questions about needing documentation  
8 for an employer about where you've been this morning,  
9 Ms. Clendening in the clerk's office will be happy to work with  
10 you and answer and respond to any of your questions or  
11 inquiries about those kind of housekeeping matters.

12 Ladies and gentlemen, thank you for being here, thank  
13 you for being good citizens and for appearing and presenting  
14 yourselves and participating as you have this morning. It's  
15 very important, and we all appreciate it.

16 With that, ladies and gentlemen, those of you not  
17 selected to serve on this jury are excused at this time.

18 COURT SECURITY OFFICER: All rise.

19 (Jury panel out.)

20 THE COURT: All right. If everyone except the eight  
21 members of the jury will be seated, please.

22 I'm going to ask our courtroom deputy, Ms. Lockhart,  
23 to administer the oath to the eight members of the jury at this  
24 time.

25 (Jurors sworn.)

1 THE COURT: Please have a seat.

2 Members of the jury, we are going to recess shortly  
3 for lunch. Your lunch has been provided by the Court. It's in  
4 the jury room waiting for you. Each day during your service on  
5 this jury, the Court will provide your lunch for you. It will  
6 be brought to you in the jury room so you don't have to worry  
7 about finding a place to eat while you're here on jury duty.

8 Before we break for lunch, I have some instructions  
9 that I need to give you that will apply throughout your time  
10 serving in this case as jurors. They're all important, and I  
11 want to go over with you briefly.

12 First of all, do not discuss this case with anyone.  
13 It is a fundamental rule of the Court and the judicial process  
14 that when all the evidence has been presented and I instruct  
15 you to retire to the jury room and to deliberate upon the  
16 questions that will make up the verdict in this case, that when  
17 you decide how to answer those questions, the sole source of  
18 the information that you will draw upon to answer those  
19 questions must be evidence that has been presented to you in  
20 open court from the witness stand where the witnesses have  
21 testified under oath and been subject to  
22 cross-examine -- cross-examination, as well as the witnesses  
23 that will be presented to you by video deposition or the  
24 exhibits that the Court has admitted into evidence. In other  
25 words, members of the jury, the only information that you



1 should draw upon to answer the questions in the verdict form is  
2 information that's been presented to you in this courtroom as a  
3 part of this trial. Therefore, it is absolutely essential that  
4 you not communicate with anyone in any way about this case.  
5 Otherwise, you will be subject to having information that you  
6 arrived at and was presented to you outside of this courtroom.  
7 And that, if it occurs, can jeopardize the entire process.

8           So it's absolutely essential that you not talk with  
9 anyone -- that you not communicate in a broader sense with  
10 anyone about this case until I've released you from your  
11 service as jurors.

12           Now, when all the evidence has been presented, when  
13 the attorneys have given you their closing arguments, when the  
14 Court has given you my final instructions on the law, then and  
15 at that point, I will ask you to retire to the jury room and to  
16 deliberate on your verdict.

17           When that happens, everything changes and it becomes  
18 your duty to discuss the case among the eight of you in an  
19 attempt to reach a unanimous verdict. But until that time, you  
20 must not communicate with anyone about the case, and that means  
21 you must not communicate among each other about the case in any  
22 way, in any shape, and in any fashion.

23           And I promise you, whenever we finish for the day and  
24 I release you for the night and you return to wherever you  
25 live, unless you live alone, whoever is there when you walk in

1 the door, the first thing they're going to say is, well, tell  
2 me what happened in federal court in Marshall today. Do not  
3 even try to answer that question because if you do, you will  
4 almost assuredly violate the instruction that I'm giving you.

5 Just look whoever it is in the face, smile, and say  
6 that very stern federal judge told me not to talk about the  
7 case with anyone, and I'm going to do what he says. Blame me.  
8 That's part of what I'm here for. But it is essential, ladies,  
9 that there be no communication about the case and that as a  
10 consequence, the sole source of the information that you will  
11 have when it's time to return a verdict is the evidence that's  
12 presented in open court under oath and subject to  
13 cross-examination. That's absolutely essential.

14 And as a matter of fact, my practice is to remind the  
15 members of the jury of this pretty much every time you  
16 get -- get up out of those seats and leave the courtroom. So I  
17 promise you, by the time this trial is over, you're going to be  
18 tired of hearing me say don't discuss the case with anyone,  
19 including don't discuss the case among the eight of you. But  
20 I'm going to continue to do it because that instruction is so  
21 essential and so critical to the Court functioning as we are  
22 intended to function.

23 And also, when I say don't communicate with anyone  
24 about the case, that includes, lest there be any doubt, that  
25 includes those of you that are active with social media. And

1 that means don't post on Facebook, don't tweet on Twitter,  
2 don't use Instagram, don't use any form of social media. That  
3 is communication. So I mean when I say don't communicate about  
4 the case with anyone, I mean it in the broadest sense of the  
5 term.

6 Also, you should not attempt to do any research on  
7 your own about anything involved in this case. You are not to  
8 go home and get on the Internet and do a browser search with  
9 regard to any of these parties, in regard to any of the  
10 patents, in regard to any of the issues you hear about, in  
11 regard to any of the lawyers in the case. You are not to do  
12 any outside research of any kind, whether it's on the Internet  
13 electronically, or whether you go to the local library and pull  
14 an encyclopedia off the shelf the old-fashioned way, do not do  
15 any research about anything related to the case.

16 Again, the fundamental principle is that the sole  
17 source of the information that you will draw upon to discharge  
18 your duty as jurors by answering the questions in the verdict  
19 form must come from the material and the evidence and the  
20 testimony that's presented in open court, under oath, subject  
21 to cross-examination. That's a fundamental principle. That's  
22 why you can't discuss the case with anyone, including  
23 yourselves, until I tell you otherwise. And that's why you  
24 cannot and must not do any research of any kind.

25 In regard to the research, it's been my practice since

1 I've been on the bench to remove the temptation that is  
2 sometimes present with smartphones in your hands and in your  
3 purses and in your pockets. So I'm going to ask you once we  
4 return from lunch today, if you have a cell phone, a smartphone  
5 with you, please leave it in your automobile. Please leave it  
6 at home tomorrow. Do not bring it back into the courthouse.  
7 Do not bring it into the jury room. Do not have it with you.  
8 If you don't have it, there'll be no temptation to Google this  
9 or check this on Yahoo! Or do any of the things I've told you  
10 not to do. So leave your devices outside of the courtroom from  
11 this point forward.

12 Now, you need to understand, the lawyers in the case  
13 will have their electronic devices through the trial. They're  
14 entitled to have them and use them because it's a part of the  
15 tools that they use to discharge their -- their duties and  
16 their obligations, but they're under strict instructions not to  
17 allow those to ring, to sound, or to disrupt the Court. And if  
18 it's violated, the Court will take care of it if it happens.  
19 But if you see counsel using a smartphone or a tablet, don't  
20 think, well, why do they get to do that because I don't get to  
21 do that. There's a difference, and my practice is to not allow  
22 members of the jury to bring those kind of devices into the  
23 courtroom.

24 Again, we'll have recesses throughout the trial.  
25 We'll have breaks for lunch. If you need to check an important

1 email or send a text messages, you can certainly -- you will  
2 certainly have opportunities where you can go to your vehicle  
3 and check on your device if you need to leave it in your  
4 vehicle. But if you don't need to do it for that purpose, it's  
5 probably simpler just to leave it at home. But you're not to  
6 have your electronic devices with you in the courtroom after we  
7 reconvene after lunch today.

8           Also, ladies and -- ladies of the jury, I don't think  
9 this is likely, but it is within the realm of possibility, this  
10 is an important case, there are no unimportant cases that get  
11 to trial in federal court. It's important to both sides and to  
12 all these parties, and it is possible that some third party  
13 could attempt to contact you while you're serving as jurors and  
14 influence your decisions in this case. I don't think that's  
15 going to happen, but you need to know that it was -- it's  
16 within the realm of possibility.

17           If anyone from any source makes any contact or  
18 attempted contact with you while you're serving as a juror in  
19 this case that you feel is inappropriate in any way, then you  
20 should notify Ms. Clendening in the clerk's office immediately.  
21 She will let me know, and the Court will deal with it. Again,  
22 I don't think it's likely, but as I say, there are very few  
23 unimportant cases that get to trial in federal court. It is  
24 possible. So I want to at least make you aware of that.

25           Also, ladies and gentlemen -- excuse me, I'm sorry,

1 that's a habit. Members of the jury, you need to understand  
2 that throughout the trial in this case, I have made it clear to  
3 counsel and to the parties that the members of the respective  
4 trial teams, the witnesses, the corporate representatives, the  
5 paralegals and support staff, anyone that's here in connection  
6 with either Plaintiff or Defendant, they're not to talk with  
7 you. And if you pass one of these folks coming up -- down the  
8 steps in the front of the courthouse or in the hall or at some  
9 point if you come in contact and walk in close proximity to any  
10 of these folks, they're not going to stop and say good morning,  
11 Ms. So-and-so, how are you, and enter into conversation with  
12 you. They're not going to be friendly and gregarious like most  
13 of us in East Texas always are.

14 That's because I've instructed them not to, and that's  
15 because, again, it goes back to that same fundamental  
16 principle, the sole source of any information that you have to  
17 answer the questions in the verdict form must come from what's  
18 been presented in open court under oath and subject to  
19 cross-examination.

20 So if one of these folks walks by and doesn't smile  
21 and doesn't speak and doesn't act like you would expect, don't  
22 hold that against them, don't think they're being rude or  
23 unfriendly. Understand that that's what the Court requires of  
24 them and the reason why I require it of them, and take that  
25 into account.

1           This is a small courthouse. You will almost assuredly  
2 pass somebody on the sidewalk out front or on the steps, and so  
3 when that happens and they don't engage you and they're not  
4 friendly and open and gregarious, understand why, and don't  
5 hold it against them. They're doing what I require of them.

6           All right. Ladies and -- ladies of the jury, this is  
7 the first time I've had an all female jury. So I will probably  
8 mess this up at various times. Just bear with me.

9           Members of the jury, your lunch is provided for you in  
10 the jury room. We're going to recess until approximately  
11 12:30. And about 12:30, we will come back in the courtroom.  
12 I'll begin with me preliminary instructions, and then I'll  
13 proceed with opening statements from the lawyers in the case.

14           But enjoy your lunch. It awaits you in the jury room.  
15 And you're excused for lunch at this time.

16           COURT SECURITY OFFICER: All rise for the jury.

17           (Jury out.)

18           THE COURT: All right. Counsel, we will recess for  
19 the lunch. The time is a little more advanced than I thought.  
20 So rather than 12:30, we'll try to make it 12:40.

21           Mr. Stevenson, you're going to present openings for  
22 the Plaintiff?

23           MR. STEVENSON: Yes, Your Honor.

24           THE COURT: And, Mr. Haslam, for the Defendants?

25           MR. HASLAM: Yes.

1 THE COURT: Okay. Any questions before we recess for  
2 lunch?

3 MR. BAXTER: No, Your Honor.

4 MR. SMITH: No, Your Honor.

5 THE COURT: The Court stands in recess.

6 (Recess.)  
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CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true and correct transcript from the stenographic notes of the proceedings in the above-entitled matter to the best of my ability.

/S/ Shelly Holmes  
SHELLY HOLMES, CSR-TCRR  
OFFICIAL REPORTER  
State of Texas No.: 7804  
Expiration Date: 12/31/18

8/20/2018  
Date